

LEGAL PRACTITIONERS
&
BAR COUNCILS ACT, 1973

[XXXV OF 1973]

WITH RULES

AS AMENDED UP TO SEPTEMBER, 2005.

PUNJAB BAR COUNCIL

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PREFACE

I am delighted to write the preface of this latest edition of the Legal Practitioners & Bar Councils Act, 1973 and the Rules made thereunder, which is an official publication of the Pakistan Bar Council.

The last edition was published in 1989 when, for the first time, the details of original texts of all those provisions, which were either omitted or amended, from time to time, were placed at the footnotes, to facilitate making comparison between the original texts of such provisions with amended ones. For compiling and publishing the last edition strenuous efforts were made by Mr. Muhammad Arshed, Secretary, Pakistan Bar Council, which are acknowledged with appreciation.

In view of number of amendments made in different Rules and enactment of some new rules by the Pakistan Bar Council since 1989, it was though appropriate to publish the new edition. While updating this edition efforts have been made to incorporate in it all the relevant amendments made so far. This is, therefore, an authentic version of the Legal Practitioners and Bar Councils Act and the Rules made by the Pakistan Bar Council, thereunder.

It is hoped that this publication will prove useful to all concerned.

(Abdul Hakeem Khan H. Bijarani)
Chairman
Executive Committee
Pakistan Bar Council.

TABLE OF CONTENTS

	<u>Page</u>
1. Legal Practitioners & Bar Councils Act, 1973.	4
2. Pakistan Legal Practitioners & Bar Council Rules, 1976.	58
3. Pakistan Bar Council Legal Education Rules, 1978.	127
4. Affiliation of Law Colleges Rules.	133
5. Pakistan Bar Council Appeal Rules, 1986.	137
6. Pakistan Bar Council Free Legal Aid Rules, 1999.	139

LEGAL PRACTITIONERS & BAR COUNCILS ACT, 1973

(ACT XXXV OF 1973)

Sections

CONTENTS

CHAPTER-I

Preliminary

- 1. Short title and commencement.**
- 2. Definitions.**

CHAPTER-II

Constitution and Incorporation of Bar Councils

- 3. Constitution & incorporation of Bar Councils.**
- 4. Term of Bar Council.**

CHAPTER-III

Provincial Bar Councils

- 5. Composition of Provincial Bar Councils.**
- 5A. Qualifications for membership of a Provincial Bar Council.**
- 5B. Disqualifications for membership of a Provincial Bar Council.**
- 5C. Cessation of membership of Provincial Bar Council.**
- 6. Chairman and Vice-Chairman of Provincial Bar Council.**
- 7. Time of holding elections to a Provincial Bar Council.**
- 8. Election to Provincial Bar Council not to be questioned on certain grounds.**
- 9. Functions of a Provincial Bar Council.**
- 10. Committees of Provincial Bar Council.**

CHAPTER-IV

The Pakistan Bar Council

- 11. Composition of Pakistan Bar Council.**
- 11A. Qualifications for membership of Pakistan Bar Council.**
- 11B. Disqualifications for membership of Pakistan Bar Council.**
- 11C. Cessation of membership of Pakistan Bar Council.**

12. **Chairman and Vice-Chairman of the Pakistan Bar Council.**
13. **Functions of the Pakistan Bar Council.**
14. **The First Pakistan Bar Council.**
15. **Committees of the Pakistan Bar Council.**

CHAPTER-V

General Provisions relating to Bar Councils.

16. **Filling of casual vacancies.**
17. **Funds of Bar Councils.**
18. **Accounts and Audit.**
19. **Vacancies in Bar Councils etc. not to invalidate actions taken.**
20. **Indemnity.**

CHAPTER-VI

Advocates, their Enrolment, Right to Practice, Seniority, Pre-Audience etc.

21. **Classes of Advocates.**
22. **Right of Advocates to practice.**
23. **Preparation etc. of roll of Advocates of the Supreme Court.**
24. **Admission and enrolment of Advocates of the High Court.**
25. **Admission and enrolment of other advocates.**
26. **Persons qualified for admission as advocates.**
27. **Persons qualified for admission as advocates of a High Court.**
28. **Persons qualified for admission as advocates of the Supreme Court.**
29. **Eligibility of women for admission.**
30. **Authority to whom applications for enrolment may be made.**
31. **Disposal of applications for admission as an advocate.**
32. **Appeal against order of rejection.**
33. **No application rejected by one Provincial Bar Council to be enrolled by another such Council.**
34. **Payment of fees.**
35. **Order in which names shall be entered in the roll.**
36. **Certificate of enrolment.**
37. **Copy of roll to be kept with Supreme Court and High Court.**
38. **Copies of rolls to be sent to Pakistan Bar Council.**
39. **Common roll of Advocates.**
40. **Right of pre-audience.**

CHAPTER-VII

Conduct of Advocates

41. Punishment of Advocates for misconduct.
42. Tribunals of Bar Councils.
43. Procedure in inquiries.
44. Order as to costs.
45. Powers of the Tribunal and Disciplinary Committee in inquiries.

46. Disciplinary powers of the Pakistan Bar Council.
47. Appeal to the Pakistan Bar Council.
48. Appeal to the Supreme Court.
49. Application of Sections 5 and 12 of the Limitation Act, 1908.
50. Stay of order.
51. Powers of the Disciplinary Committee.
52. Cost of proceedings before a Disciplinary Committee.
53. Review of order by Disciplinary Committee.
54. Power of Supreme Court and High Court to suspend advocates from practice.

CHAPTER-VII A (Omitted)

CHAPTER-VIII Rules

55. Power of the Pakistan Bar Council to make rules.
56. Power of Provincial Bar Council to make rules.

CHAPTER-IX Miscellaneous

57. Grants to Bar Councils.
58. Penalty for illegal practice.
59. Power to frame and publish lists of touts.
- 59 A. Bar Council or Bar Association not to indulge in political activity.(Omitted)
- 59 B. Removal from Bar Association.
60. Power of the High Court relating to remuneration of advocates.
61. Group Insurance.
62. Benevolent Fund.
63. Validation.
64. Repeal (Omitted).
65. Continuance of existing Bar Councils (Omitted).
66. Dissolution of existing Bar Councils etc. (Omitted).

67. **Continuance in service of the employees of the West Pakistan Bar Council.**
68. **Savings.**
69. **Removal of difficulties. (Omitted)**

LEGAL PRACTITIONERS
AND

BAR COUNCILS ACT, 1973

(ACT XXXV OF 1973)

Part I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 17th September, 2005

F. 22(17)/2005-Legis-The following Act of Majlis-E-Shoora (Parliament) received the assent of the President on 15th September, 2005, and is hereby published for general information:-

An Act further to amend the Legal Practitioners and Bar Councils Act, 1973.

WHEREAS it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purposes hereinafter appearing:

It is hereby enacted as follows:-

CHAPTER – I

PRELIMINARY

1. **Short title and commencement.-** (1) This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2005.

(2) It shall come into force at once.
- 1A. “Overriding effect., The Provisions of this Act shall have effect notwithstanding anything contained contrary in any other law for the time being in force”.
2. **Definitions.-** In this Act, unless there is anything repugnant in the subject or context.-

- ¹[(a) “advocate” means an advocate entered in any roll under the provisions of this Act;]
- (b) “Bar Council” means a Bar Council constituted under this Act;
- (c) “Common roll” means the common roll of advocates of the High Court or, as the case may be, the common roll of other advocates prepared and maintained by the Pakistan Bar Council under this Act;
- (cc) Omitted.
- (d) “High Court”, in relation to a Provincial Bar Council, means the High Court of the Province or Provinces, as the case may be, for which that Council is constituted;
- ²[(e) “Legal practitioner” means an Advocate.
- ^{2a}[(ee) “member”, in relation to a Bar Council, does not include the Chairman thereof;]
- (f) “Pakistan Bar Council” means the Bar Council constituted for Pakistan under section 11;
- (g) “prescribed” means prescribed by rules made under this Act;
- ²[(h) “Provincial Bar Council”, in relation to a Province, means the Provincial Bar Council constituted for that Province;]

¹. The original clause (a) of Section 2 reads as under:-

“(a) “advocate” means an advocate entered in any roll under the provisions of this Act”.

It was substituted by the following, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 2, with effect from 2.3.1985:

“(a) “Advocate” means an advocate whose name is for the time being entered in the Roll of Senior Advocates, Roll of Advocates or Roll of Advocates-on-Record of the Supreme Court under the Rules of the Supreme Court or in the roll of Advocates of a High Court under this Act”.

It was substituted by the present text through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 2, with effect from 25.8.1978.

^{2a}. Substituted with effect from 8.7.1981, for the following, through the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance XXVII of 1981) Section 3 and Sch. II:

“(a) “Legal Practitioner” means an Advocate or a Mukhtar or Revenue Agent practising as such immediately before the commencement of this Act”.

^{2a}. Substituted with effect from 8.7.1981, for the following, through the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance XXVII of 1981) Section 3 and Sch. II:

“(a) “Legal Practitioner” means an Advocate or a Mukhtar or Revenue Agent practising as such immediately before the commencement of this Act”.

². Substituted, *ibid*, section 2 (c), for the following:

(i) “Provincial roll” means a roll of advocates of the High Court or, as the case may be, a roll of advocates prepared and maintained by a Provincial Bar Council under this Act;

(j) “revenue office” includes all Courts (other than civil Courts) trying suits under any law for the time being in force relating to land holders and their tenants or agents;

(k) “roll” means the roll of advocates maintained by a Bar Council;

(kk) “Roll of group of districts” means a Roll of advocates of a High Court and a Roll of the Advocates practicing in the Districts of the Group, as mentioned in the schedule, prepared and maintained by a Provincial Bar Council.” And

(l) “subordinate Court” means a Court subordinate to the High Court;

(m)“tout” means a person-

(i) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(ii) who, for the purposes of such procurement, frequents the precincts of Courts or of revenue offices, or railway stations, lading stages, loading places or other places of public resort;

(n) “Tribunal”, in relation to a Bar Council, means Tribunal constituted by it under this Act;

(o) “Voter means

(i) in relation to election to a Provincial Bar Council, and advocate whose name for the time being appears on the Roll of group of districts and to whom and identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months; and

“(h) “Provincial Bar Council” in relation to a Province, other than the Provinces of Sindh and Baluchistan, means the Provincial Bar Council constituted for that Province, and in relation to the Provinces of Sindh and Baluchistan the common Bar Council constituted for the two Provinces under this Act”.

- (ii) in relation to election to the Pakistan Bar Council, a member of the concerned Provincial Bar Council”.

CHAPTER II

CONSTITUTION AND INCORPORATION OF BAR COUNCILS

3. Constitution and incorporation of Bar Councils.- (1) There shall be constituted in accordance with the provisions of this Act.-

- (i) a Bar Council for Pakistan to be known as the Pakistan Bar Council;
³[and]
⁴ [(ii) a Bar Council for each Province to be known as the Bar Council of the Province concerned].
- (2) Every Bar Council shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall be the name by which it is known sue and be sued.

4. Term of Bar Council.-⁵[The] term of every Bar Council shall be ⁶[five] years beginning on the first day of January following the general elections to the Provincial Bar Councils; and at the end of each term the members of the Bar Council shall cease to hold office;

³ Added by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 3 (a), with effect from 12,10,1978.

⁴ Substituted, *ibid*, section 3 (b), for the following:-
“(ii) a Bar Council for each Province, other than the Provinces of Sindh and Baluchistan, to be known as the Bar Council of the Province concerned; and
“(iii) a Bar Council for the Provinces of Sindh and Baluchistan, to be known as the Sindh and Baluchistan Bar Council”.

⁵ The word “ The” was substituted for the words, figures and comma “ Save as provided in Section 65 in respect of the existing Bar council, the” by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 2 (a), with effect from 15-7-1982.

⁶ By the Legal Practitioners and Bar Councils (Amendment) Act, 1976 (Act LXVII of 1976) section 2, the word “ three” was substituted by the word “four”, with effect from 4.12.1976, and thereafter the word ”four” was substituted by the word “five”, with effect from 15.7.1982, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 2 (b).

⁷[Provided that the next elections of the Provincial Bar Councils shall be held between 1st October, 2009 and 31st of December, 2009 and the term of the next Provincial Bar Council shall commence from the 1st January, 2010].

CHAPTER III PROVINCIAL BAR COUNCILS

5. Composition of Provincial Bar Councils.-(1) Each Provincial Bar Council shall consist ⁸[of]
- ⁹[(a) the Advocate –General of the Province, ex-officio; and]
- (b) such number of ¹⁰[...] member as may be elected by the Advocates on the Provincial roll from amongst themselves.
- (2) The number of members to be elected to a Provincial Bar Council shall be as follows:-
- | | | | |
|-----|-------------------------|-----|----|
| (a) | Punjab Bar Council | ... | 75 |
| | Sindh Bar Council | ... | 33 |
| | N.W.F.P Bar Council | ... | 28 |
| | Balochistan Bar Council | ... | 07 |
- (b) The district-wise allocation of seats referred to in clause (a) for respective Provincial Bar Councils shall be in accordance with the Schedule annexed hereto.
- (c) If, on the said day, the number of advocates practising generally in a district and entered on the ¹⁵[Divisional] roll from that district is less than

⁷ The original proviso to Section 4 reads:

“Provided that the term of every Bar Council constituted for the first time under this Act shall be for the remainder period of the term of three years beginning on the first day of January, 1973”.

It was firstly amended through the Legal Practitioners and Bar Councils (Amendment) Act, 1975 (Act LXX of 1975) section 2, (with effect from 22.11.1975) by substituting the words, comma and figure “expire on the thirty first day of December 1976” for the words comma and figure “be for the remainder period of the term of three years beginning on the first day of January, 1973”.

The proviso then again was amended by the Legal Practitioners and Bar Council (second amendment) Act, 1976 (Act LXVII of 1976) section 3 (b), with effect from 4.12.76, substituting the figure “1977” for the figure “1976”.

The above-said amended proviso was substituted by the present text, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1977 (Ordinance XLVII of 1977) section 2, with effect from 31.12.77.

¹⁰ Substituted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance No XL of 1978) section 4 (1) (a), with effect from 12.10.78, for the comma.

¹¹ Substituted, *ibid*, section 4 (1) (B), for the following:-

“(a) in the case of a Bar Council for a Province, other than the Provinces of Sindh and Baluchistan, of the Advocate-General for that Province, and, in the case of the Bar Council for the Provinces of Sindh and Baluchistan, the Advocate-General for Sindh and the Advocate-General for Baluchistan, ex-officio”.

¹⁰ The word “other” was omitted, *ibid*, section 4 (1) (c).

fifty, such district shall be deemed to form part of the adjoining district or, if there are more than one adjoining district, of the adjoining district with the lowest number of advocates practising therein;

Provided that, if the number of such advocates in a district, together with the number of such advocates in the adjoining district of which it is to be so deemed to form part, is less than fifty, such district or, as the case may be, both such districts shall, for the purpose of the election, be joined with one or more other adjoining districts so that the aggregate number of the advocates practising generally in such districts and entered on the ¹⁵[Divisional] roll therefrom is not less than fifty;

¹¹[Provided further that for the first Provincial Bar Councils to be constituted under this Act the number of members to be elected to a Provincial Bar Council shall be determined on the basis of the number of advocates entered on the ¹⁵[Divisional] roll on a date to be notified in the official Gazette by the Federal Government].

¹²[(2A)]For the purpose of election of members of a Provincial Bar Council from a district or districts under sub-section (2) the advocates entered on the roll of group of districts as mentioned in the Schedule appended hereto, shall constitute the electoral college;

(4) At an election of the members of a Provincial Bar Council an advocate shall have as many votes as the number of members to be elected ¹³[from the group of districts concerned].

¹⁴[(6).....]

Explanation:-if any question arises whether an advocate is or is not, for the purposes of this section, practising generally in a district, it shall be referred to the Advocate-General for the Province concerned, whose decision thereon shall be final.

¹⁵[5A. Qualifications for membership of a Provincial Bar Council.-

¹¹ Added by the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act XXXVI of 1973), section 2, with effect from 9.6.1973.

¹² Added by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978), section 4 (3), with effect from 12.10.1978.

¹³ Added, *ibid*, section 3 (b).

¹⁴ Sub-sections (5) and (6) were added, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance No. XL of 1978) section 4 (5), with effect from 12.10.78, but by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982), the sub-section (6), with reads as under, was omitted with effect from 15.7.82;

“(6) A member shall cease to be member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII”.

A person shall be qualified to be elected as a member of a Provincial Bar Council if he:-

- (a) is on the Roll of advocates of High Court maintained by the Provincial Bar Council”, and
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than ten years; and
- (c) has cleared all the dues payable by him to the Provincial Bar Council.

5B. Disqualifications for membership of a Provincial Bar Council.-

A person shall be disqualified to be elected as a member of a Provincial Bar Council if he:-

- (a) was dismissed or removed from the service of Government or of a public statutory corporation; or
- (b) has been convicted for an offence involving moral turpitude; or
- (c) has been found guilty of professional misconduct, or
- (d) has been declared a tout; or
- (e) is an undischarged insolvent.

5C. Cessation of membership of Provincial Bar Council.- A member of a Provincial Bar council shall cease to be such member if he;-

- (a) is appointed to an office of profit in the service of Pakistan; or
- (b) is suspended or removed from practice under the provisions of Chapter VII; or
- (c) incurs any of the disqualifications specified in Section 5 B.]

6. Chairman and Vice-chairman of Provincial Bar Council.- (1) There shall be a Chairman and a Vice-Chairman of each Provincial Bar Council.

¹⁶[(2) The Advocate-General for a Province shall be the Chairman of the Provincial Bar Council for that Province.

(2A) If a member of a Provincial Bar council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant].

¹⁵ . With effect from 15.7.1982, new Sections 5-A, 5-B and 5-B and 5-C were inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 4.

¹⁶ . Substituted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 5, with effect from 12.10.1978, for the following:-

“(2) In the case of the Provincial Bar council for the Provinces of Sindh and Baluchistan, the senior of the Advocate-General for those Provinces according to the respective dates of their appointment as such, and, in the case of the Provincial Bar council for any other Province, the Advocate-General for that Province, shall be the Chairman of the Provincial Bar Council”

- (3) The Vice-Chairman of each Provincial Bar council shall be elected in the prescribed manner by the members of that Council from amongst themselves.
- (4) Subject to the provisions of sub-section (8), the election of the Vice-Chairman shall be held as soon as may be after the commencement of every year and in any case not later than the thirty-first day of January.
- (5) Subject to the provisions of sub-sections (6) and (7), the Vice Chairman shall hold office ¹⁷ [until his successor enters upon his office].
- (6) A Vice-Chairman may resign his office by writing under his hand addressed to the Chairman.
- (7) A Vice-Chairman shall cease to hold his office if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII.
- (8) Where the office of a Vice-Chairman becomes vacant, an election to the vacant office shall be held within thirty days of the office becoming vacant.
- (9) The Chairman and Vice-Chairman shall have such powers and functions as may be prescribed.

7. Time of holding elections to a Provincial Bar Council.- Elections to a Provincial Bar Council shall be held so as to conclude on or before the thirtieth day of November in the year in which the term of the Provincial Bar Council expires:

Provided that –

- (a) elections to the first Provincial Bar Councils to be constituted under this Act shall be held so as to conclude; and
- (b) the first Provincial Bar Councils to be constituted under this Act shall be constituted, on such day as the Federal Government may, by notification in the official Gazette, specify.

8. Election to Provincial Bar Council not to be questioned on certain grounds. No election of a member to a Provincial Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date, has not less than thirty days before that date, been published in the official Gazette.

9. Function of Provincial Bar Council._ (1) Subject to the provisions of this Act and the rules made thereunder, the functions of a Provincial Bar Council shall be-

¹⁷ . Substituted for the words “till the thirty first day of December in the year in which he assumes office”, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) section 5, with effect from 15.7.1982.

- (a) to admit persons as advocates on its roll; to hold examinations for purposes of admission; to prepare and maintain a roll of such advocates ¹⁸[of the province as well as of each District]; and to remove advocates from such roll;
- (b) to admit persons as advocates entitled to practice before the High Court and to prepare and maintain a roll of such advocates;
- (c) to entertain and determine cases of misconduct against advocates on its rolls and to order punishment in such cases;
- (d) to safeguard the rights, privileges and interests of advocates on its rolls, including initiation of measures for fair and in-expensive dispensation of justice by the subordinate Courts and tribunals;
- (e) to promote and suggest law reform;
- (f) to manage and administer the property and funds of the Provincial Bar Council and to invest any of its funds;
- (g) to conduct the election of its members;
- (h) ¹⁹to prescribe conditions for the recognition and functioning of, and to recognise and derecognize, Bar Associations];
- (i) to perform all other functions conferred on it by or under this Act ²⁰[and to comply with directions given to it by the Pakistan Bar Council from time to time]; and
- (j) to do all other things necessary for discharging the aforesaid functions.

10. Committees of Provincial Bar Council.- (1) A Provincial Bar Council shall constitute the following standing committees, namely:-

- (a) an executive committee consisting of a Chairman and not more than five other members, to be elected by the Council from amongst its members; ²¹[....]
- ²²(aa) a disciplinary committee consisting of not more than five members to be elected by the Council from amongst its members; and]

¹⁸. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 6, with effect from 12.10.78).

¹⁹. Substituted for the following through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 6 (a), with effect from 15.7.1982:

“(h) to prescribe conditions for the recognition of, and to recognise, Bar Association”.

²⁰. Inserted, *ibid*, section 6(b).

²¹. The word “and” was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) section 7a, with effect from 15.7.1982.

- (b) one or more enrolment committees, each consisting of a Judge of the High Court for the Province, ²³[] nominated by the Chief Justice of that High Court, who shall be its Chairman, and two other members elected by the Council from amongst its members.
- (2) Each of the aforesaid committees shall have such powers and functions as may be prescribed.
- (3) A Provincial Bar Council may constitute, form amongst its members such other committees as it may deem necessary for the performance of its functions under this Act, and may authorize any such committee to co-opt as its members any other persons, not exceeding such number as the Council may determine.
- (4) The Chairman of every committee shall be entitled to vote and; in case of equality of votes among the members of the Committee, shall have a second vote.

CHAPTER IV

THE PAKISTAN BAR COUNCIL

²⁴**[11. Composition of Pakistan Bar Council.-** (1) The Pakistan Bar Council shall consist of the Attorney General for Pakistan, *ex-officio*, and twenty members, who shall be

²². Inserted, *ibid*, section 7(b).

²³. The words “or Provinces, as the case may be” were omitted, *ibid*, section 7(c).

²⁴. The original Section 11 reads as under :-

“11. Composition of Pakistan Bar Council.- (1) The Pakistan Bar Council shall consist of the Attorney-General of Pakistan, *ex-officio*, and twenty [other] members, who shall be elected on the basis of a single transferable vote, by the members of the Provincial Bar Councils for the Provinces of North West Frontier, the Punjab, Sindh [and] Baluchistan.

(2) A member of a Provincial Bar Council who is elected to be a member of the Pakistan Bar Council shall [not, by reason of such election] cease to be a member of the Provincial Bar Council”

By the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act XXXVI of 1973) section 3, the following new sub-section (3) was added to Section 11, with effect from 9.6.197:-

“(3) No election of a member to the Pakistan Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if the notice of the data has, has not less than thirty days before the date, been published in the official Gazette”.

Section 11 was further amended through the Legal Practitioners and Bar Councils (amendment) Ordinance, 1978 (Ordinance XL of 1978) section 7, with effect from 12.10.78, as follow:-

- 1) In sub-section (1):

elected on the basis of a single transferable vote by the members of the Provincial Bar Councils as hereinafter specified:-

Baluchistan	1
The North-West Frontier Province	4
The Punjab	11
Sindh.....	6

^{32a}[(1A) “(1A) The members of Pakistan Bar Council shall be elected by single transferable vote from each province by the members of their respective Provincial Bar Council.”

(2) A member of a Provincial Bar Council who is elected to be a member of the Pakistan Bar Council shall cease to be a member of the Provincial Bar Council.

(3) No election of a member to the Pakistan Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote

- a) the word “other” was omitted;
- b) for the word “and” occurring for the second time a comma was substituted; and
- c) for the full-stop at the end a colon was substituted and thereafter the following proviso was added:-

“Provided that the Chairman of a Provincial Bar Council shall not be elected to be a member of the Pakistan Bar Council”.

- 2) In sub-section (2) the words and commas “not, by reason of such election”, were omitted; and
- 3) After sub-section (3), the following new sub sections were added:

“(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

(5) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII”.

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) section 8, sub-section (1) was substituted by the following with effect from 15.7.1982:-

“(1) The Pakistan Bar Council shall consist of the Attorney General for Pakistan, ex-officio, and twenty members, who shall be elected on the basis of a single transferable vote by the members of the provincial Bar Councils as hereinafter specified:-

Baluchistan	1
The North-West Frontier Province	4
The Punjab	11
Sindh	6

(1A) In addition to the members referred to in sub-section (1), there shall be in the Pakistan Bar Council two members to be co-opted by the Council from amongst persons who have been Advocates of the Supreme Court for a period not less than fifteen years and are qualified to members of the Council.

^{32a}. Sub-section (1A) was omitted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 3, with effect from 25.8.1987.

threat, if the notice of the date has, not less than thirty days before that date, been published in the official Gazette.

(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

^{32b}[(5)... Omitted]

²⁵**[11A. Qualifications for membership of Pakistan Bar Council.-**

A person shall be qualified to be elected as a member of the Pakistan Bar Council if he-

- (a) is on the roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council;
- (b) has, on the day of the filing of the nomination paper, been an advocate for not less than fifteen years; and
- (c) has cleared all the dues payable by him to the Pakistan Bar Council.

11B. Disqualifications for membership of Pakistan Bar Council.-

A person shall be disqualified to be elected as a member of the Pakistan Bar Council if he-

- (a) was dismissed or removed from the service of Government or of a public statutory corporation; or
- (b) has been convicted for an offence involving moral turpitude; or
- (c) has been found guilty of professional misconduct; or
- (d) has been declared a tout; or
- (e) is an undischarged insolvent.

11C. Cessation of membership of Pakistan Bar Council.- A member of the Pakistan Bar Council shall cease to be such member if he-

- (a) is appointed to an office of profit in the service of Pakistan; or
- (b) is suspended or removed from practice under the provisions of Chapter VII; or
- (c) incurs any of the disqualifications specified in Section 11B].

^{32b}. Sub-section (5) was omitted, vide Ordinance No. XVII, as above.

²⁵. Section 11A, 11B and 11C were inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 9, with effect from 15.7.1982.

12. Chairman and Vice-Chairman of the Pakistan Bar Council.- (1) The Attorney-General for Pakistan shall be the Chairman, *ex-officio*, of the Pakistan Bar Council.

²⁶[(1A) If a member of the Pakistan Bar Council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant].

(2) There shall be a Vice-Chairman of the Pakistan Bar Council who shall be elected in the prescribed manner by the members of that Council from amongst themselves.

(3) Subject to the provisions of sub-section (7), the election of the Vice-Chairman shall be held as soon as may be after the commencement of every year and in any case not later than thirty-first day of January.

(4) Subject to the provisions of sub-sections (5) and (6), the Vice-Chairman shall hold office ²⁷[until his successor enters upon his office].

(5) A Vice-Chairman may resign his office by writing under his hand addressed to the Chairman.

(6) A Vice-Chairman shall vacate his office if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII.

(7) Where the office of a Vice-Chairman becomes vacant, an election to the vacant office shall be held in the manner prescribed under sub-section (2), within thirty days of the office becoming vacant.

(8) The Chairman and the Vice-Chairman shall have such powers and functions as may be prescribed.

13. Functions of the Pakistan Bar Council.- ²⁸[(1)] Subject to the provisions of this Act and the rules made thereunder, the functions of the Pakistan Bar Council shall be-

(a) to prepare and maintain a common roll of advocates;

²⁹[(b) to admit persons as advocates entitled to practice before the Supreme Court and to prepare and maintain a roll of such advocates and to remove advocates from such roll;

²⁶. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978. (Ordinance XL of 1978) section 8, with effect from 12.10.1978.

²⁷. Inserted through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 10, with effect from 15.7.1982, for the words "thill the thirty-first day of December in the year in which he assumes office".

²⁸. Section 13 was re-numbered as sub-section (1) of that Section with effect from 15.7.82 vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) section 11, and new sub-section 11, and new sub-sections (2) and (3) were added. See foot note No. 40 also.

- (c) to entertain and determine cases of misconduct against advocates of the Supreme Court and to award punishment in such cases;]
- (d) to lay down standard of professional conduct and etiquette for advocates;
- (e) to lay down the procedure to be followed by its committees;
- (f) to safeguard the rights, privileges and interests of advocates including initiation of measures for fair and inexpensive dispensation of justice by the subordinate Courts and tribunals;
- (h) to deal with and dispose of, and to tender advice in relation to any matter arising under this Act which may be referred to it by a Provincial Bar Council.
- (i) to exercise general control and supervision over the Provincial Bar Councils ³⁰[and to issue directions to them from time to time].
- (j) to promote legal education and prescribe standards of such education in consultation with the universities in Pakistan and the Provincial Bar Councils;
- (k) to recognize universities whose degree in law shall be a qualification for enrolment as an advocate;
- (l) to manage and administer the property and funds of the Pakistan Bar Council, and to invest any of its funds;
- ³¹[(la) to provide free legal aid;
- (lb) to hold conferences, seminars, moots, lectures, jurist conferences and other meetings for promoting legal knowledge and learning in the legal profession;
- (lc) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, the Supreme Court Bar Association or any Bar Association at the national level;
- (ld) to give directions in accordance with the provisions of this Act to the Provincial Bar Councils in respect of the recognition, derecognition and functioning of Bar Association];
- (m) to perform all other functions conferred on it by or under this Act;
- (n) to do all other things necessary for discharging the aforesaid functions.

²⁹. Clauses (b) and (c) of sub-section (1) of Section 12, read as under, were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 3, with effect from 2.3.1985:

- “(b) to admit persons as advocates entitled to practice before the Supreme Court and to prepare and maintain a roll of such advocates and to remove advocates from such roll;
- (c) to entertain and determine cases of misconduct against advocates of the Supreme Court and to award punishment in such cases;”

³⁰. Added by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 11 (a) (i), with effect from 15.7.1982.

³¹. Inserted, *ibid*, section 11 (a) (ii).

³²[(2) Any person aggrieved by an order or decision of a Provincial Bar Council, [the Supreme Court Bar Association or a Bar Association at the national level] may, within thirty days of such order or decision, prefer an appeal to the Pakistan Bar Council, whose decision in such appeal shall be final].

³³[(3) The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX 1908), shall apply to appeals under sub-section (2)].

14. The first Pakistan Bar Council.- As soon as may be, after the constitution of the Provincial Bar Councils under this Act, the first Pakistan Bar Council shall be constituted in accordance with the provisions of section 11.

15. Committees of the Pakistan Bar Council.-(1) The Pakistan Bar Council shall constitute the following committees, namely:-

(a) a disciplinary committee consisting of a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be its Chairman, and four other members elected by the Council from amongst its members;

Provided that the Attorney-General for Pakistan shall not be a member of the disciplinary committee;

(b) an executive committee consisting of seven members elected by the Council from amongst its members; and

(c) an enrolment committee consisting of a judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be its Chairman, and two other members elected by the Council from amongst its members.

(2) The Pakistan Bar Council may constitute from amongst its members such other committees, including a legal education committee, as it may deem necessary for the

³². The following new sub-sections (2) and (3) were added to Section 13 on 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance. 1982 (Ordinance XVII of 1982) section 11 (1):-

“(2) Any person aggrieved by an order or decision of a Provincial Bar Council may, within thirty days of such order or decision, prefer an appeal to the Pakistan Bar Council, whose decision in such appeal shall be final.

“(3) The Pakistan Bar Council may at any time, of its own motion or otherwise call for the record of any proceeding which is pending before, or of any meeting which has been held by, a Provincial Bar Council or Bar Association, for the purpose of satisfying itself as to the correctness, legality or propriety of anything done therein, and may give such directions in relation thereto as the Pakistan Bar Council may think fit; and such directions shall be binding both on the Provincial Bar Council or Bar Association concerned and the person to whom it relates.”

By the Legal Practitioners and Bar Councils (Amendment) Act. 1987, (Act VIII of 1987) section 4 (b), the words “the Supreme Court Bar Association or a Bar Association at the national level” were inserted between the words “Provincial Bar Council” and “may” in sub-section (2), with effect from 25-8-87.

³³. Substituted, *ibid*, section 4 ©, for sub-section (3) mentioned under foot note No. 40.

performance of its functions under this Act, and may authorize any such committee to co-opt as its members any other persons, not exceeding such number as the Council may determine.

(3) The Chairman of every committee shall be entitled to vote and, in case of equality of votes among the members of the Committee, shall have a second vote.

CHAPTER V

GENERAL PROVISIONS RELATING TO BAR COUNCILS

16. Filling of casual vacancies.- If the seat of a member of a Bar Council becomes vacant during the term of office of the Council-

³⁴[(a) In case of the Pakistan Bar Council, the vacancy shall be filled by the person who received in the last elections from the same province the highest numbers of single

³⁴. The Original clauses (a) and (b) of section 16, read as under:-

- “(a) for filling a vacancy in the Pakistan Bar Council, the provisions of Section 11 shall apply mutatis mutandis; and
- (b) for filling a vacancy in a Provincial Bar Council, the provisions of Section 5 shall apply mutatis mutandis”.

These clauses were substituted by the following, through the Legal Practitioners and Bar Councils (Amendment) Act, 1975 (Act LII of 1975) section 2, with effect from 26.7.1975:

- “(a) for filling a vacancy in the Pakistan Bar Council, the provisions of Section 11 shall apply mutatis mutandis; and
- “(b) for filling a vacancy in a Provincial Bar Council, the provisions of Section 5 shall apply mutatis mutandis”.

These clauses were substituted by the following, through the Legal Practitioners and Bar Councils (Amendment) Act, 1975 (Act LII of 1975) section 2, with effect from 26.7.1975:

- “(a) in the case of the Pakistan Bar Council, the vacancy shall be filled by a person elected in accordance with the Provisions of section 11; and
- “(b) in the case of a Provincial Bar Council, the vacancy shall be filled by the person who received, in the same election and from the same district or, as the case may be, group of districts, the highest number of votes next after the member the vacancy in whose seat is to be filled, or if there be no such person by a person eligible for election to that Council from the same district, as the case may be, group of districts, who is co-opted by the Provincial Bar Council.”

The above clauses were again substituted, with effect from 15.7.82, by the following vide Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 12:-

- “(a) in the case of the Pakistan Bar Council, the vacancy shall be filled by a person who is co-opted by the Pakistan Bar Council from amongst persons belonging to the same province to which the vacancy relates who are qualified to be members of the Pakistan Bar Council; and
- “(b) in the case of a Provincial Bar Council, the vacancy shall be filled by a person who is co-opted by the Provincial Bar council from amongst persons belonging to the district or districts to which the vacancy relates who are qualified to be members of the Provincial Bar Council.”

transferable votes next after the member, the vacancy in whose seat is to be filled or if there be no such persons then the vacancy shall be filled by a person elected in accordance with the provisions of Section 11.

- (b) in the case of a Provincial Bar Council, the vacancy shall be filled by the person who received, in the same election and from the same district or, as the case may be, group of districts, the highest number of votes next after the member the vacancy in whose seat is to be filled, or if there be no such person, by a person eligible for election to that Council from the same district or, as the case may be, group of districts, who is co-opted by the provincial Bar Council].

17. Funds of Bar Councils.- (1) All sums received by a Provincial Bar Council as enrolment fees or as grants, donations or subscriptions shall form part of the fund of that Council and that fund, subject to the provisions of sub-section (2), shall be managed, administered and utilized in such manner as may be prescribed.

³⁵[(2) Every person applying for enrolment as an advocate or an advocate of the High Court shall pay one-third of the prescribed fee to the Pakistan Bar Council and the balance to the Provincial Bar Council concerned, in such manner as may be prescribed by the Pakistan Bar Council].

(3) All sums received by the Pakistan Bar Council under sub-section (2) or as enrolment fees, grants, donations or subscriptions shall form part of the fund of that Council and that fund shall be managed, administered and utilized in such manner as may be prescribed.

18. Accounts and Audit.-(1) every Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

(2) The accounts of a Bar Council shall be audited by an auditor who is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), at such times and in such manner as may be prescribed.

(3) As soon as the accounts of a Provincial Bar Council have been audited, that Bar Council shall send a copy of such accounts, together with a copy of the report of the auditor thereon, to the Pakistan Bar Council.

It was substituted by the present text of clauses (a) and (b) of Section 16 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 5, with effect from 25.8.87.

³⁵. Originally framed sub-section (2) of Section 17 reads;

“(2) Every Provincial Bar Council shall within thirty days of the close of a financial year pay to the Pakistan Bar Council a sum equal to [twenty] percent, of the total sum received by it during that financial year as enrolment fees and fees for permission to practice before the High Court.”

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 9, the word “twenty” appearing in original sub-section (2) was substituted by the words “ thirty three and one third”.

The amended sub-section (2), as aforementioned, was substituted by the present text, vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 13, with effect from 15.7.1982.

19. Vacancies in Bar Councils, etc., not to invalidate action taken.-

No act done by a Bar Council or any Tribunal or committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, such Council, Tribunal or committee.

20. Indemnity.- No suit or other legal proceedings shall lie against any Bar Council or any committee, Tribunal, member, officer or servant of the Bar council for any act in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

CHAPTER VI

ADVOCATES, THEIR ENROLMENT, RIGHT TO PRACTICE, SENIORITY, PRE-AUDIENCE, ETC.

21. Classes of advocates.- There shall be the following four classes of advocates, namely:-

- (a) senior advocates of the Supreme Court;
- (b) advocates of the Supreme Court, including advocates on-record;
- (c) advocates of the High Court; and
- (d) other advocates.

22. Right of advocates to practice.- (1) Save as otherwise provided in this Act, no person shall be entitled to practice the profession of law unless he is an advocate.

³⁶[(2) Subject to the provisions of this Act and the Rules made thereunder:-

³⁶. The original sub-section (2) of Section 22 reads as under:

“(2) Subject to the provisions of this Act, the rules made thereunder and any other law for the time being in force.-

- (a) an advocate of the Supreme Court or a High Court shall be entitled as of right to practice throughout Pakistan, and to appear, act and plead before any Court or tribunal in Pakistan; and
- (b) any other advocate shall be entitled as of right to practice throughout the Province or Provinces for which the Bar Council, on whose roll his name is entered, has been constituted, and to appear, act and plead before any Court or tribunal in such Province or Provinces other than the High Court.”

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985), section 4, for the original sub-section (2) of Section 22, as aforementioned, the following was substituted with effect from 2.3.1985:-

“(2) Subject to Article 207 of the Constitution and the provisions of this Act and the rules made thereunder, an advocate shall be entitled as of right to practice.-

- (a) in the case of an Advocate of the Supreme Court, in the Supreme Court, and in or before any High Court or other court, tribunal, person or authority who or which is legally authorised to take evidence; and

- (a) an advocate of the Supreme Court shall be entitled as of right to practice throughout Pakistan and to appear, act and plead before any Court or Tribunal or any Judicial authority in Pakistan;
- (b) an advocate of a High Court shall be entitled as of right to practice throughout Pakistan and to appear, act and plead before any Court, Tribunal or any Judicial authority in Pakistan except the Supreme Court; and
- (c) any other advocate shall be entitled as of right to practice throughout the province where he is enrolled to appear, act and plead before any Court, Tribunal or any Judicial authority in such Province other than the High Court.

(2A) Where rules have been made by any High Court regulating the conditions subject to which advocates of other High Courts may be permitted to practice in the High Court, such advocates shall not be entitled to practice therein otherwise than subject to such conditions].

(3) No advocate shall appear or act for any person in any Court or tribunal unless he has been appointed for the purpose by such person by a document in writing signed by such person or his recognised agent or some other person duly authorised by him to make such appointment, and such document has been filed in such Court or tribunal;

Provided that nothing in this sub-section shall apply to-

- (a) a public prosecutor or any advocate appointed by the State; or
- (b) an advocate when appearing on behalf of another advocate, if the advocate so appearing has filed a memo of appearance:

Provided further that an advocate may be allowed to appear for an accused in custody on his undertaking to file the document required under this sub-section.

-
- (b) in the case of any other Advocate.-
 - (i) in the High Court of which he is an Advocate;
 - (ii) save as otherwise provided by sub-section (2-A) or by or under any other law for the time being in force, in any other court in Pakistan, including a High Court, and before any other tribunal or person legally authorised to take evidence; and
 - (iii) before any other authority or person before whom such Advocate is by or under the law for the time being in force entitled to practice.
 - (2A) Where rules have been made by any High Court regulating the conditions subject to which Advocates of other High Court may be permitted to practice in the high Court, such Advocates shall not be entitled to practice therein otherwise than subject to such conditions.”

The amended sub-section (2), as aforementioned, was substituted by the present text through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act, VIII of 1987) section 6, with effect from 25.8.1987.

³⁷[23. **Roll of advocates of the Supreme Court:**– The Pakistan Bar Council shall prepare and maintain a Roll of advocates of the Supreme Court in which shall be entered the names of all persons who are senior advocates or advocates including advocates-on-record, entitled to practice in the Supreme Court.”

- (a) all persons who were, as advocates, senior advocates or advocates on record, entitled to practice in the Supreme Court immediately before the commencement of the Bar Councils and Legal Practitioners (Amendment) Act, 1987; and
- (b) all persons who are admitted as advocates of the Supreme Court under the provisions of this Act:

Provided that no person shall call himself or hold himself out as an Advocate of the Supreme Court until he has signed the roll of advocates kept under the Rules of the Supreme Court, and the right of a person to appear, act and plead before that Court shall be subject to the said Rules].

24. Admission and enrolment of Advocates of the High Court.-

³⁸ Each Provincial Bar Council shall prepare and maintain³⁹[for the Province and each District in the Province two separate rolls] of advocates of the High Court in which shall be entered the names of –

- (a) all persons who were, as advocates, entitled to practice in the High Court immediately before the commencement of this Act; and

³⁷. The original Section 23 reads as under.-

“23. Admission and enrolment of Advocates of the Supreme Court.- The Pakistan Bar Council shall prepare and maintain a roll of advocates of the Supreme Court in which shall be entered the names of.-

- (a) all persons who were as advocates, senior advocates or advocates on record, entitled to practice in the Supreme Court immediately before the commencement of this Act; and
- (b) all persons who are admitted as advocates of the Supreme Court under the provisions of this Act.”

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1984 (Ordinance XXI of 1984), section 2, the following proviso was added to Section 23, with effect from 23.5.1984:

“Provided that no person shall call himself, or hold himself out as an Advocate of the Supreme Court until he has signed the roll of Advocates kept under the Rules of the Supreme Court, and the right of a person to appear, act and plead before that Court shall be subject to the said Rules.”

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 5, the aforesaid Section 23, as amended, was omitted with effect from 2.3.1985.

The present text of Section 23 was inserted, with effect from 25.8.87, by the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 7.

³⁸. Section 24 was re-numbered as sub-section (1) of that Section on 12.10.1978 vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, (Ordinance XL of 1978) section 10.

³⁹. Substituted, *ibid*, section 10 (a), for the words “a roll”

- (b) all persons who are admitted as advocates of the High Court under the provisions of this Act.

⁴⁰[(2).....Omitted]

25. Admission and enrolment of other advocates.- ⁴¹ [(1) Each Provincial Bar Council shall, besides the ⁴²[rolls] of advocates to be prepared and maintained by it under section 24, prepare and maintain ⁴³[for the Province and each Division in the Province two separate rolls] of advocates in which shall be entered the names of-

- (a) all persons who were, as advocates, entitled to practice in any Court subordinate to the High Court immediately before the commencement of this Act; and
(b) all persons who are admitted as advocates under the provisions of this Act.

⁴⁴[(2).....Omitted]

26. Persons qualified for admission as advocates.- Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate if he fulfils the following conditions, namely:-

- (a) he is a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir:

Provided that, subject to the other provisions of this Act, a national of any other country⁴⁵[who has resided in Pakistan for a period of not less than one year

⁴⁰. The following sub-section (2) was added, *ibid*, section 10(b), but the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance XXVII of 1981) section 3 and Sch. 11, the same was omitted with effect from 8.7.1981:

“(2) Notwithstanding anything contained in sub-section (1) all advocates who, immediately before the coming into force of the legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sindh and Baluchistan Bar Council and were practising generally at any place within the Province of Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978.”

⁴¹ Section 25 was re-numbered as sub-section (1) of that Section vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 11.

⁴². Substituted, *ibid*, section 11 (a), for the word “roll”.

⁴³ Substituted, *ibid*, section 11 (b), for the words “a roll”.

⁴⁴. The following sub-section (2) was added, *ibid*, section 11 (c), but through the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance XXVII of 1981), section 3 and Sch.11, the same was omitted with effect from 8.7.1981:

”(2) Notwithstanding anything contained in sub-section (1) all advocates who, being entitled, immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, to practice in any court subordinate to the High Courts of Sindh and Baluchistan were entered on the roll of the Sindh and Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978.”

immediately preceding the day on which he applies for admission] may be admitted as an advocate if citizens of Pakistan duly qualified are permitted to practice law in that other country:

- (b) he has completed the age of twenty-one years;
- (c) he is a Barrister or is or was enrolled as an advocate of a High Court in any area which before the fourteenth day of August 1947, was comprised within India as defined by the Government of India Act, 1935(26 Geo. 5, c 2), or has obtained:
 - (i) before the 7th day of February 1966, a degree in law from any university in Pakistan; or
 - (ii) before the fourteenth day of August, 1947, a degree in law from any university in any area which was comprised before that date within India as defined by the Government of India Act, 1935 (26 Geo 5, c 2); or
 - (iii) “a degree in law from a university in Pakistan or abroad recognized by the Pakistan Bar Council.”;
- (d) he has undergone such course of training and passed such examination after the training as may be prescribed by the Pakistan Bar Council;

Provided that this clause shall not apply to any class of persons who, by reason of their legal training or experience, are declared by the Pakistan Bar Council to be exempt from the provisions of this clause; and

- (e) he has paid such enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council.
- (2) Omitted.
- (3) Omitted.

27. Persons qualified for admission as advocates of a High Court.- Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate of a High Court if he fulfils the following conditions, namely:-

- (a) he has practiced as an advocate, vakil or pleader before subordinate Courts in Pakistan for a period of not less than two years; or
- (b) he has practiced outside Pakistan as an advocate before any High Court specified in this behalf by the Pakistan Bar Council; or
- (c) he has, for reason of his legal training or experience, been exempted by the Provincial Bar Council, with the previous approval of the High Court, from the requirements of clause (a) and clause (b); and

⁴⁵. The words “who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission “ were inserted by the Legal Practitioners and Bar Councils (Amendment) Act, 1976, (Act XVI of 1976) section 2, with effect from 19.4.1976.

- (d) he has paid such enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council.

⁴⁶[**28. Persons qualified for admission as advocates of the Supreme Court.-** Subject to the provisions of this Act and the Rules made thereunder, a person shall be qualified to be admitted as a senior advocate and an advocate of the Supreme Court including an advocate-on-record if he fulfils such conditions as may be laid down in this behalf from time to time by the Rules of Pakistan Bar Council and has paid such enrolment fee or other dues as may be prescribed by that Council.”

28A. Persons disqualified to be enrolled as advocate.- A person shall be disqualified from being admitted as an advocate of any court if:-

- (i) he was dismissed or removed from service of Government or of a public statutory corporation on a charge involving misconduct or moral turpitude; or
- (ii) he has been convicted for an offence of moral turpitude by a court; or
- (iii) he has been declared a tout and such declaration has not been withdrawn.”.

29. Eligibility of women for admission.- No women shall be disqualified for admission as an advocate for reason only of her sex.

30. Authority to whom applications for enrolment may be made.- An application for admission as an advocate, other than an advocate of the Supreme Court, shall be made in the prescribed form to the Provincial Bar Council within whose jurisdiction the applicant proposes to practice generally ⁴⁷[; and an application for admission as an advocate of the Supreme Court shall be made in the prescribed form to the Pakistan Bar Council.]

31. Disposal of applications for admission as an advocate.- (1) All applications for admission as an advocate received by a Bar Council shall be referred to its enrolment committee.

(2) The enrolment committee may either grant the application or return it to the Bar Council recording its reasons for not granting the application.

(3) Where any application is returned to a Bar Council under sub-section (2), the Bar Council may, after considering the reasons recorded by the enrolment committee, either grant or reject the application.

⁴⁶. Section 28 was omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 7, which was again inserted on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 9.

⁴⁷. The semicolon and words” ; and an application for admission as an Advocate of the Supreme Court shall be made in the prescribed form to the Pakistan Bar Council” were omitted on 2.3.1985 by the Legal Practitioners and Bar Councils (Amendment) Ordinance 1985 (Ordinance XVI of 1985) section 8, which were again added on 25.8.1987 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 10.

32. Appeal against order of rejection.- Where any application for admission as an advocate is rejected by a Provincial Bar Council, the applicant may, within such period and in such manner as may be prescribed, appeal to the enrolment committee of the Pakistan Bar Council, and the decision of that committee on such appeal shall be final.

33. No applicant rejected by one Provincial Bar Council to be enrolled by another such Council.- Where a Provincial Bar Council has rejected the application of any person for admission as an advocate.-

- (a) it shall circulate to all the other Provincial Bar Councils the name of such person together with the reasons for the rejection of his application;
- (b) no other Provincial Bar Council shall entertain an application for admission of such person as an advocate except with the previous consent in writing of the Provincial Bar Council which rejected the application.

34. Payment of fees.- (1) The Pakistan Bar Council may prescribe the following fees, namely:-

- (a) fee for enrolment as an advocate or an Advocate of the High Court, which shall be fixed after consultation with the High Court, to be paid to the Provincial Bar Council⁴⁸[and the Pakistan Bar Council in accordance with sub-section (2) of Section 17].
- ⁴⁹(b) fee for enrolment as an advocate of the Supreme Court which shall be fixed after consultation with the Supreme Court, to be paid to the Pakistan Bar Council; and]
- (c) annual fee payable by advocates to the Bar Council on whose roll their names are entered;

Provided that no person whose name is entered on the roll under clause (a) of section 25, clause (a) of section 24⁵⁰[or clause (a) of section 23] as an advocate, an advocate of the High Court [or an advocate of the Supreme Court] shall be required to pay the fee for enrolment as such advocate.

⁴⁸. The words brackets and figures “and the Pakistan Bar Council in accordance with sub-section (2) of Section 17” were inserted with effect from 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 14.

⁴⁹. Clause (b) of Section 34 was omitted, with effect from 2.3.85, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 9 (a) (c). The same was again inserted on 25.8.1987 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 11 (a) (i).

⁵⁰. The words, brackets, letter and figure “or clause (a) of Section 23” and the words “or an Advocate of the Supreme Court” in proviso to sub-section (1) of Section 34 were omitted, with effect from 2.3.1985, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 9 (a)(ii). The same were again inserted on 25.8.1987, through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987), section 11 (a) (ii).

(2) The fee referred to in clause (a) ⁵¹[or clause (b)] of sub-section (1) may be paid in such installments, if any, as may be prescribed.

(3) The annual fee referred to in clause (c) of sub-section (1) shall be paid by such date as may be prescribed.

(4) If an advocate fails to pay an installment of fee or the annual fee payable by him by the prescribed date he shall be liable to pay such further fee for late payment as may be prescribed.

Provided that, if he fails to pay such installment of fee within a period of six months following the date on which it becomes due, he shall by notice be asked to show cause why his name be not struck off the roll of advocates and if the explanation is unsatisfactory his name shall be struck off the roll of advocates and shall be not restored except upon payment of the installment or fee due and such penalty not exceeding the amount of such installment or fee as may be prescribed, unless the enrolment committee, having regard to the circumstances of the case, exempts any person from the payment of such penalty.

35. Order in which names shall be entered in the roll.- (1) Entries in the roll shall be made in the order of seniority and such seniority shall determined as follows, namely:-

- (a) all such person are referred to in ⁵²[clause (a) of section 23,] clause (a) of section 24 or clause (a) section 25 shall be entered first in the order in which they were respectively entitled to seniority inter se immediately before the commencement of this Act; and
- (b) the seniority of any other person admitted, after that date, to be an advocate or an advocate of the High Court ⁶¹[or an advocate of the supreme Court] shall be determined by the date of his admission:

Provided that, for the purposes of clause (b), the seniority of a person who, before his admission as an advocate, was entitled as of right to practice in any other High Court shall be determined by the date on which he became so entitled.

(2) Where the date of seniority of two or more persons is the same, the one senior in age shall rank as senior to the other.

36. Certificate of enrolment.- A Bar Council shall issue a certificate of enrolment in the prescribed form to every person enrolled under Section 31.

⁵¹. The words brackets and letter “or clause (b)” in sub-section (2) of Section 34, were omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 9(b). The same were again inserted on 25.8.87 vide the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 11 (b).

⁵². The words, brackets, figure and comma “ clause (a) of section 23,” and the words “or an Advocate of the Supreme Court” in clauses (a) and (b) of sub-section (1) of Section 35, respectively, were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 10, on 2.3.1985. The same words, brackets, figure and comma were again inserted in both the clauses, as were before the omission, on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 23.

37. Copy of roll to be kept with⁵³**[Supreme Court and] High Court.**⁶² [(1) The Pakistan Bar Council shall send to the Supreme Court an authenticated copy of the roll as prepared under Section 23 and shall thereafter communicate to the Supreme Court all alterations in, and additions to, the roll as soon as the same have been made].

(2) The Provincial Bar Council shall send to the High Court a copy of the rolls as prepared under Section 24 and Section 25 and shall thereafter communicate to the High Court all alterations in, and additions to, any such roll as soon as the same have been made.

38. Copies of rolls to be sent to Pakistan Bar Council.- Each Provincial Bar Council shall send to the Pakistan Bar Council an authenticated copy of the roll of advocates of the High Court and the roll of the other advocates prepared by it for the first time under this Act and shall thereafter communicate to the Pakistan Bar Council all alterations in, and additions to, any such roll as soon as the same have been made.

39. Common roll of Advocates.- (1) The Pakistan Bar Council shall prepare and maintain a common roll of advocates of the High Court and a common roll of the other advocates which shall comprise the entries made in all the Provincial rolls of the advocates of the High Court or as the case may be, of the other advocates.

(2) Entries in the common roll shall be in the order of seniority, which shall be determined in accordance with the principles laid down in section 35.

39A. Cessation to practice as an Advocate.- Any advocate who incurs any of the disqualifications enumerated in section 28A shall cease to be an advocate and his name shall be removed from the concerned Roll of the advocates.

39B. Powers of disciplinary Committee.- If any person referred to in section 39A above practices in contravention of this Act or the Rules made thereunder in any manner;

(a) in case of a senior advocate of the Supreme Court or advocate of the Supreme Court of Pakistan including an Advocate-on-Record, the disciplinary committee of the Pakistan Bar Council; and

(b) in case of any other advocate, the disciplinary committee of a Provincial Bar Council,

may on its own motion or otherwise take cognizance thereof and proceed against him, under this Chapter for such disciplinary action as is provided by law, in addition to criminal prosecution of such person under section 58.

39C. Provisions of section 39A and 39B to apply.- The provisions of section 39A and 39B shall apply *mutatis mutandis* to an advocate who contravenes any provision of this Act or the Rules made thereunder.”.

⁵³. The word “Supreme Court and” in the marginal heading of Section 37, and sub-section (1) of the said Section were omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 11. The same, as appears from the present text, were again inserted on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 13.

40. Right of pre-audience.- (1) The Attorney General for Pakistan shall have the right of pre-audience over all other advocates.

(2) Subject to sub-section (1), the Advocate General of a Province shall have the right of pre-audience over all other advocates; and the right of pre-audience among the Advocates-General shall be determined by the date of appointment to their respective offices.

(3) The right of pre-audience among other advocates shall be determined by their seniority inter se.

⁵⁴[CHAPTER VII

⁵⁴. The original Chapter VII relating to “ Conduct of Advocates reads as follow:-

CHAPTER VII-CONDUCT OF ADVOCATES

41. Punishment of Advocates for misconduct-(1) An advocate may, in the manner hereinafter provided, be reprimanded, suspended or removed from practice if he is found guilty of professional or other misconduct.

(2) A complaint that an advocate has been guilty of misconduct may be made by any Court or person-

- (a) in the case of an advocate of the Supreme Court in relation to the proceedings of that Court, to the Pakistan Bar Council, and
- (b) in any other case, to the Provincial Bar council.

(3) Every complaint against an advocate made under sub-section (2), except where the complaint has been made by a Court, shall be accompanied by a fee of ten rupees.

(4) Upon receipt of a complaint made to it under sub-section (2) against any advocate, the Bar council shall, unless it summarily rejects the complaint, refer the case:-

- (a) if the complaint in respect of failure to render professional service for paid, or to return papers, or to repay balance of money received, for conciliation to a Conciliation Committee appointed by it and consisting of two persons selected out of a panel of senior advocates practising in the district in which such advocate practices generally (hereinafter referred to as the Conciliation Committee), and
- (b) if the complaint discloses actions involving moral turpitude or defeat of justice or serious breaches of professional conduct, for inquiry to an Inquiry Committee appointed by it and consisting of two persons selected as aforesaid (hereinafter referred to as the Inquiry Committee);

Provided that the Bar Council shall not summarily reject a complaint made by the Supreme Court or a High Court.

(5) If a Bar council has reason to believe that an advocate has been guilty of misconduct, it may, fits own motion, refer the case to an inquiry Committee.

(6) An inquiry into, and conciliation proceedings in relation to, a complaint against an advocate, shall be held at the headquarters of the Bar Council or of the district in which he practices generally.

(7) A Conciliation Committee shall proceed to conciliate in the matter referred to it for conciliation and.-

- (a) if a settlement is arrived at in the course of the proceedings before it, shall send a report thereof to the Bar Council concerned together with a memorandum of settlement signed by the parties to the proceedings; and

(b) if no settlement is arrived at as aforesaid shall inform the Bar Council concerned of such failure.

(8) An inquiry Committee shall, after making such inquiry and giving the parties opportunity of being heard as it may consider necessary, make a report for a final hearing and decision to a Tribunal specified by the Bar Council in this behalf.

(9) An Inquiry Committee may where it considers it necessary so to do, require the person making a complaint, except where the complaint has been made by a Court, to deposit with the Committee as security for costs, such sum as it may specify.

42. Tribunals of Bar Councils.- (1) The Pakistan Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be the Chairman.

(2) A Provincial Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice of that Court, who shall be the Chairman.

43. Procedure in inquiries.- (1) In inquiries relating to conduct of advocates, the Tribunal shall, except as hereinafter provided, follow such procedure as may be prescribed.

(2) The Tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complainant, to the advocate concerned and to the Advocate General of the Province and shall afford to the complainant, the advocate concerned and the Advocate-General an opportunity of leading evidence, if any, and of being heard before orders are passed in the case.

(3) The Chairman of the Tribunal may empower one of the members of the Tribunal to consider and decide preliminary issues and to record evidence.

(4) The Tribunal may, where it considers it necessary so to do, require the person making a complaint, except where the complaint has been made by a Court, to deposit with the Tribunal, as security for costs, such sum as it may specify.

(5) On completion of the inquiry, the Tribunal may either dismiss the complaint or, where reference to the inquiry Committee on whose report the matter has come before the Tribunal was made at the motion of a Bar Council, direct that the proceedings be filed; or it may make an order imposing any of the penalties referred to in sub-section (1) of Section 41.

(6) Where the Tribunal makes an order for the suspension of an advocate from practice, it shall specify the period of suspension, and for that period the advocate shall be debarred from practising in any Court or before any authority or person in Pakistan.

(7) The Tribunal may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (5) and maintain, vary or rescind the same, as it thinks fit.

(8) When any advocate is reprimanded or suspended from practice under this Act, a record of the punishment shall be entered against his name in the Provincial roll or, as the case may be, the roll of advocates of the Supreme Court maintained by the Pakistan Bar Council, and the common roll, and when advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

44. Order as to costs.- (1) An Inquiry Committee and a Tribunal may make such order as to costs of proceedings before it as it may deem fit; and where the Committee or, as the case may be, the Tribunal is of the opinion that the complaint made against an advocate is false and vexatious, it may, without prejudice to any other remedy available to the advocate, impose upon the complainant compensatory costs not exceeding a sum of five hundred rupees:

Provided that no order under this sub-section shall be made against a Court or the presiding officer of a Court.

(2) The Tribunal may, on an application made to it in this behalf within the prescribed period, revise any order passed by the Inquiry Committee under sub-section (1) or, of its own motion or on application so made, review any order passed by the Tribunal under that sub-section and may, in either case, maintain, vary or rescind the same, as it thinks fit.

(3) Subject to sub-section (2), every order of the Inquiry Committee or the Tribunal under sub-section (1) shall be executable -

- (a) If the Committee is appointed, or the Tribunal is constituted, by the Pakistan Bar Council, as if it were an order of the Supreme Court; and
- (b) If the Committee is appointed or the Tribunal is constituted, by a Provincial Bar Council, as if it were an order of the High Court.

45. Powers of the Tribunal and Inquiry Committee in Inquiries.- (1) For the purposes of any such inquiry as aforesaid, an Inquiry Committee and a Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters namely-

- (a) enforcing the attendance of any person.
- (b) Compelling the production of documents, and
- (c) Issuing commissions for the examination of witnesses:

Provided that the Inquiry Committee or the Tribunal shall not have powers to require the attendance of the presiding officer of any civil or criminal Court save with the previous sanction of the High Court or, in the case of the presiding officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860); and an Inquiry Committee and a Tribunal shall be deemed to be a Civil Court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) For the purpose of enforcing the attendance of any person or of compelling the production of documents or issuing commissions-

- (a) the local limits of the jurisdiction of an Inquiry Committee and a Tribunal shall be those of the jurisdiction of the Bar Council by which the Committee has been appointed or, as the case may be, the Tribunal has been constituted; and
- (b) an Inquiry Committee and a Tribunal may send to any Civil Court having jurisdiction in the place where the Committee or, as the case may be, the Tribunal is sitting, any summons or other process for the attendance of a witness or the production of a document required by the Committee or Tribunal, or any commission which it desires to issue, and the civil Court shall serve such process or issue such commission, as the case may be and may enforce any such process as if it were process for attendance or production before itself.

(4) Proceedings before an Inquiry Committee or a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of Section 132 of the Evidence Act, 1872 (I of 1872), and the provisions of that Section shall apply accordingly.

46. Disciplinary power of the Pakistan Council.- (1) Notwithstanding anything contained in this Chapter, the disciplinary committee of the Pakistan Bar Council may, of its own motion, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before a Provincial Bar Council or any Conciliation Committee or inquiry committee appointed by it, and dispose of the same.

(2) In disposing of any case under this Section, the disciplinary committee of the Pakistan Bar Council shall observe, so far as may be, the procedure laid down in Section 43, the reference to the "Advocate-General" in that Section being construed as reference to the "Attorney General for Pakistan".

(3) In disposing of any case under this Section, the disciplinary committee of the Pakistan Bar Council may make any order, which the Tribunal can make under Section 43, and the Tribunal shall give effect to any such order.

47. Appeal to the Pakistan Bar Council.- (1) Any person aggrieved by an order of a Tribunal under Section 43 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Pakistan Bar Council.

(2) Every such appeal shall be heard by the disciplinary committee of the Pakistan Bar Council which may pass such order thereon as it may deem fit.

48. Appeal to the Supreme Court.- Any person aggrieved by an order made by the disciplinary committee of the Pakistan Bar Council under sub-section (3) of Section 46 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Supreme Court which may pass such order thereon as it may deem fit.

49. Application of Sections 5 and 12 of the Limitation Act, 1908.- The provisions of Section 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall so far as may be, apply to appeals made under Section 47 or Section 48.

50. Stay of order.- Any appeal made under Section 47 or Section 48 shall not operate as a stay of the order appealed against but the disciplinary committee of the Pakistan Bar Council or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

51. Powers of the disciplinary committee.- The disciplinary committee of the Pakistan Bar Council shall have the same powers as are vested in a Tribunal by Section 45 and that Section shall apply to the disciplinary committee, the reference to the "Tribunal" in that Section being construed as a reference to the "disciplinary committee of the Pakistan Bar Council".

52. Cost of proceedings before a disciplinary committee.- The disciplinary committee of the Pakistan Bar Council may make such order as to the costs of proceedings before it as it may deem fit and any such order shall be executable as if it were an order of the Supreme Court.

53. Review of order by a disciplinary committee.- The disciplinary committee of the Pakistan Bar Council may of its own motion or otherwise review any order passed by it under this Chapter.

54. Powers of Supreme Court and High Court to suspend advocates from practice.- (1) The Supreme Court or a High Court may, while making a complaint under sub-section (2) of Section 41 against an advocate, make an order for the suspension of the advocate from practice if, after hearing such advocate, the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) On a complaint made to it against an advocate by a Court subordinate to it, the High Court may-

(a) make an order under sub-section (1) in respect of such advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Bar Council, is expedient or necessary in the public interest and forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or

(b) without making any order under sub-section (1), forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or

(c) direct that no further action need be taken in respect of the complaint.

(3) An order under sub-section (1) or sub-section (2) for the suspension of an advocate from practice shall remain in force until the complaint against the advocate is disposed of by the Tribunal under Section 43, unless on review the Court making the order, for reasons to be recorded, vacates it earlier”.

Sub-sections (4),(5),(6),(7),(8) and (9) of the aforesaid original Section 41 were substitute by the following through the Legal Practitioners and Bar Councils (amendment) Ordinance, 1982 (Ordinance XVII of 1982:

“(4) upon receipt of a complaint under sub-section (2) against any advocate, the disciplinary committee of the Bar Council may, unless it summarily rejects the complaint, after making such enquiry and giving the parties such opportunity of being heard as if may consider necessary, either reject the complaint or refer the case to a Tribunal for decision:

(5) Any person whose complaint rejected by the disciplinary committee under sub-section (4) may, within thirty days of the day on which the order of the Committee is communicated to him, prefer an appeal to the Tribunal, whose decision in such appeal shall be final”.

In the aforesaid Sub-section (5) of original Section 43 the words “the complaint referred to were substituted for the words “reference to the Inquiry Committee on whose report the matter has come before”, ibid, section 17.

The words “An Inquiry Committee”. “an inquiry committee” and “inquiry committee” appeared in the aforesaid sub-sections (1), (2) and (3) of original Section 44 were substituted by the words “A disciplinary committee”, a disciplinary committee” and “disciplinary committee”, respectively, ibid, section 17.

In the aforesaid sub-section (1) its proviso and sub-sections (2), (3) and (4) of original Section 45, the words “an inquiry Committee” were substituted by the words “a disciplinary committee”, ibid, section 18.

In the above-said sub-section (1) of original Section 46 the words “ any conciliation committee or Inquiry Committee appointed by it” were substituted by the words “the disciplinary committee thereof”, ibid, section 19.

--- The afore-said sub-section (3) of original Section 54 was omitted, ibid, section 20.

--- The following new section 54-a was inserted in Chapter VII, ibid, section 21:-

54-A- Time for disposal of disciplinary matters. The disciplinary committee and a Tribunal shall dispose of a complaint against an advocate within three months of the day on which the complaint is received by it, and, the complaint is not disposed of within that period the order under sub-section (1) or sub-section (2) of Section 54 for the suspension of the advocate from practice, if any, shall stand vacated on the expiration of that period, unless on review the court making the order, for reasons to be recorded, vacates it earlier”.

--- The aforesaid Chapter VII, as amended, was substituted by the following , through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 13, with effect from 2.3.1985:-

“CHAPTER VII – MISCONDUCT

41 Punishment of Advocate for misconduct.- (1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any Advocate of the High court whom it finds guilty of professional or other misconduct.

(2) Upon receipt of a complaint made to it by any Court or by any person that any such Advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for inquiry to the Disciplinary Committee.

(3) If the High Court has reason to believe that an Advocate has been guilty of misconduct, it may, of its own motion, refer the case to the Disciplinary Committee.

(4) The Disciplinary Committee shall consist of-

-
- (a) two judges of the High Court nominated by the Chief Justice of the High Court, of whom the senior shall be the Chairman.
 - (b) The Advocate-General of the Province, and
 - (c) Two advocates of not less than ten year's standing at the Bar nominated by the chief justice of the High Court.

42. Procedure in inquiries.- (1) The High Court shall make rules to prescribe the procedure to be followed by the Disciplinary committee in the conduct of inquiries referred to it under Section 41.

(2) If the complaint referred to it under sub-section (2) of Section 41 is in respect of failure to render professional service for fee paid, or to repay balance of money received, the Disciplinary Committee shall, before taking up an inquiry, proceed to conciliate in the matter and, if a settlement is arrived at in the course of the proceedings, shall send a report thereof to the High Court together with a memorandum of settlement signed by the parties to the proceedings.

(3) The finding of the Disciplinary Committee on an inquiry referred to the Committee under section 41 shall be forwarded to the High Court.

(4) The Chairman of the disciplinary Committee may empower one of the members of the disciplinary Committee to consider and decide preliminary issues and to record evidence.

(5) On receipt of the finding of the Disciplinary Committee, the High Court shall fix a date of the hearing of the case and shall cause notice of the day so fixed to be given to the Advocate concerned and shall afford him an opportunity of being heard before orders are passed in the case.

(6) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer t back for further inquiry to the Disciplinary Committee and, upon receipt of the finding after such further inquiry, deal with the case in manner provided in sub-section (5) and pass final orders thereon.

(7) In passing final orders the High court may pass such order as regards the payment of the costs of the inquiry and of the hearing in the High Court as it thinks fit.

(8) The High Court may, of its own motion or on an application made to it in this behalf, review any order passed under sub-section (6) or sub-section (7) and maintain, vary or rescind the same, as it thinks fit.

(9) When any Advocate is reprimanded or suspended under this Act, a record of the punishment shall be entered against his name in the roll of Advocates of the High Court, and when an Advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any Advocate so suspended or removed shall be recalled.

43. Powers of Disciplinary Committee in inquiries.- (1) For the purposes of an inquiry under Section 41, the Disciplinary Committee shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely.

- (a) enforcing the attendance of any person and examining him upon oath;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses;

Provided that the Disciplinary Committee shall not have power to require the attendance of the Presiding Officer of any civil or criminal Court save with the previous sanction of the High court, or in the case of the Presiding Officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding with the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and a Disciplinary Committee shall be deemed to be a Civil Court for the purpose of Sections 480 and 482 of the code of Criminal Procedure, 1898, (Act V of 1898).

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions.-

CONDUCT OF ADVOCATES

- (a) the local limits of the jurisdiction of a Disciplinary committee shall be those of the jurisdiction of the High Court by which it has been constituted; and
- (b) a Disciplinary Committee may send to any civil Court having jurisdiction in the place where the disciplinary Committee is sitting any summons or other process for the attendance of a witness or the production of a document required by the Disciplinary Committee, or any commission which it desires to issue, and the civil Court shall serve such process or issue such commission, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) Proceeding before a Disciplinary Committee in any such inquiry shall be deemed to be civil proceedings for the purposes of Article 15 of the Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984), and the provisions of that Article shall apply accordingly.

44. Power of High Court to suspend Advocates from practice.-(1) The High court may, while making a reference under sub-section (3) of Section 41 against an Advocate, make an order for the suspension of the Advocate from practice if, after hearing such Advocate the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) On a complaint made to it against an Advocate by a court subordinate to it, the High court may-

- (a) make an order under sub-section (1) in respect of such Advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such-subordinate court, and his immediate suspension, pending the proceedings before the Disciplinary Committee, is expedient or necessary in the interest of administration of justice and forward the complaint to the Disciplinary Committee in accordance with Section, 41;
- (b) without making any order under sub-section (1), forward the complaint to the Disciplinary committee for action in accordance with Section 41; or
- (c) direct that no further action need be taken in respect of the complaint.

(3) An order under sub-section (1) or sub-section (2) for the suspension of an Advocate from practice shall remain in force until the complaint against the Advocate is disposed of by the Disciplinary committee under section 42, unless on review the High court, for reasons to be recorded, vacates it earlier.

CHAPTER VII-A ADVOCATES, ETC., OF SUPREME COURT

44-A, Advocates, etc., of Supreme Court.-(1) Nothing contained in this Act shall be deemed to affect the power of the Supreme Court to make rules-

- (a) to regulate the admission of Advocates and for laying down the conditions subject to which a senior Advocate shall be entitled to practice in that court; and
- (b) for determining the persons who shall be entitled to act as Advocate-on-Record in that Court and the terms and conditions subject to which such persons can so act.

(2) All persons enrolled as senior Advocates or Advocate-on-Record of the supreme Court immediately before the commencement of the Legal Practitioners and Bar councils (Amendment) Ordinance, 1985, shall continue to be so enrolled and the certificates of enrolment issued by the Supreme Court or the Pakistan Bar council which were valid immediately before such commencement shall continue to be valid”.

The aforesaid Chapter VII (earlier substituted by Ordinance XVI of 1985) was again substituted by the present test, through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 14, with effect from 25.8.1987.

Chapter VIIA, (earlier added by Ordinance XVI of 1985) was omitted, *ibid*, section 15, with effect from 25.8.1987.

41. Punishment of advocates for misconduct.- “(1) An advocate may, in the manner hereinafter provided, be reprimanded, suspended, removed from practice or be made to pay such amount of compensation, fine or penalty as may be ordered if he is found guilty of professional or other misconduct.”

(2) A complaint that an advocate has been guilty of misconduct may be made by any Court or person-

- (a) in the case of an advocate of the Supreme Court to the Pakistan Bar Council; and
- (b) in any other case, to the Provincial Bar Council.

(3) Every complaint against an advocate made under sub-section (2), except where the complaint has been made by a Court, shall be accompanied by such fee as may be prescribed by the Pakistan Bar Council from time to time; and

(4) Upon receipt of a complaint under sub-section (2) against any advocate, the disciplinary committee of the Bar Council may, unless it summarily rejects the complaint, after making such inquiry and giving the parties such opportunity of being heard as it may consider necessary either reject the complaint or refer the same to a Tribunal for decision;

Provided that the disciplinary committee shall not summarily reject a complaint made by the Supreme Court or a High Court.

(4A) If a Bar Council has reason to believe that an advocate has been guilty of professional or other misconduct it may of its own motion refer the case to its disciplinary committee”.

(5) Any person whose complaint is rejected by the disciplinary committee under sub-section (4) may within thirty days of the day on which the order of the committee is communicated to him, prefer an appeal to the Tribunal, whose decision in such appeal shall be final.

42. Tribunals of Bar Councils.- (1) The Pakistan Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be the Chairman.

(2) A Provincial Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice of that Court, who shall be the Chairman.

43. Procedure in inquiries.- (1) In inquiries relating to conduct of advocates, the Tribunal shall, except as hereinafter provided, follow such procedure as may be prescribed.

(2) The tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complainant, to the advocate concerned and to the Advocate-General of the Province and shall afford to the complainant, the advocate concerned and the Advocate General an opportunity of leading evidence, if any, and of being heard before orders are passed in the case.

(3) The Chairman of the Tribunal may empower one of the members of the Tribunal to consider and decide preliminary issues and to record evidence.

(4) The Tribunal may, where it considers it necessary so to do, require the person making a complaint, except where the complaint has been made by a Court, to deposit with the Tribunal, as security for costs, such sum as it may specify.

(5) On completion of the inquiry, the Tribunal may either dismiss the complaint or, where the complaint referred to the Tribunal was made at the motion of a Bar Council, direct that the proceedings be filed; or it may make an order imposing any of the penalties referred to in sub-section (1) of section 41.

(6) Where the Tribunal makes an order for the suspension of an advocate from practice, it shall specify the period of suspension, and for that period the advocate shall be debarred from practising in any Court or before any authority or person in Pakistan.

(7) The Tribunal may, of its own motion or on application made to it in this behalf, review any order passed under sub-section (5) and maintain, vary or rescind the same, as it thinks fit.

(8) When any advocate is punished under section 41, the same shall be entered against his name in the Provincial roll or, as the case may be, the roll of advocates of the Supreme Court maintained by the Pakistan Bar Council, and the common roll, and when an advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

44. Order as to costs.- (1) A Disciplinary Committee and a Tribunal may make such order as to costs of proceedings before it as it may deem fit; and where the Committee or, as the case may be, the Tribunal is of the opinion that a complaint made against an advocate is false and vexatious, it may, without prejudice to any other remedy available to the advocate, impose upon the complainant such compensatory costs as may be deemed reasonable”

Provided that no order under the sub-section shall be made against a Court or the presiding officer of a Court or a Bar Council.

(2) The Tribunal may on an application made to it in this behalf within the prescribed period, revise any order passed by a Disciplinary Committee under sub-section (1) or, of its own motion or on application so made, review any order passed by the Tribunal under that sub-section and may, in either case, maintain, vary or rescind the same, as it thinks fit.

(3) Subject to sub-section (2), every order of the Disciplinary Committee or the Tribunal under sub-section (1) shall be executable-

- (a) if the Committee is appointed, or the Tribunal is constituted, by the Pakistan Bar Council, as if it were an order of the Supreme Court; and
- (b) if the Committee is appointed, or the Tribunal is constituted, by a Provincial Bar Council, as if it were an order of the High Court.

45. Powers of the Tribunal and Disciplinary Committee in inquiries.- (1) For the purposes of any such inquiry as aforesaid, a disciplinary committee and a Tribunal shall have the

same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely-

- (a) enforcing the attendance of any person,
- (b) compelling the production of documents, and
- (c) issuing commissions for the examination of witnesses:

Provided that the disciplinary committee or the Tribunal shall not have power to require the attendance of the presiding officer of any civil or criminal Court save with the previous sanction of the High Court or, in the case of the presiding officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860); and a disciplinary committee and a Tribunal shall be deemed to be a Civil Court for the purpose of Section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) For the purpose of enforcing the attendance of any person or of compelling the production of documents or issuing commissions-

- (a) the local limits of the jurisdiction of a disciplinary committee and a Tribunal shall be those of the jurisdiction of the Bar Council by which the Committee has been appointed or, as the case may be, the Tribunal has been constituted; and
- (b) a disciplinary committee and a Tribunal may send to any civil Court having jurisdiction in the place where the Committee or, as the case may be, the Tribunal is sitting, any summons or other process for the attendance of a witness or the production of a document required by the Committee or Tribunal, or any commission which it desires to issue, and the civil Court shall serve such process or issue such commission, as the case may be, and may enforce any such process for attendance or production before itself.

(4) Proceedings before a disciplinary committee or a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of Article 15 of Qanoon-e-Shahadat, 1984 (P.O. No. 10 of 1984) and the provisions of that Article shall apply accordingly.

46. Disciplinary Powers of the Pakistan Bar Council.- (1) Notwithstanding anything contained in this Chapter, the disciplinary committee of the Pakistan Bar Council may, of its own motion, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before a Provincial Bar Council or a disciplinary committee thereof and dispose of the same.

(2) In disposing of any case under this section, the disciplinary committee of the Pakistan Bar Council shall observe, so far as may be, the procedure laid down in section 43, the reference to the "Advocate-General" in that section being construed as reference to the "Attorney-General for Pakistan".

(3) In disposing of any case under this section, the disciplinary committee of the Pakistan Bar Council may make any order, which the Tribunal can make under Section 43, and the Tribunal shall give effect to any such order.

“Provided that every order passed hereinabove shall be subject to the approval of the Pakistan Bar Council.”

47. Appeal to the Pakistan Bar Council.- (1) Any person aggrieved by an order of a Provincial Tribunal under section 43 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Pakistan Bar Council.

(2) Every such appeal shall be heard by the disciplinary committee of the Pakistan Bar Council which may pass such order thereon as it may deem fit.

48. Appeal to the supreme Court.- Any person aggrieved by an order made by the disciplinary committee of the Pakistan Bar Council under sub-section (3) of section 46 or sub-section (2) of section 47 or a final order of a Tribunal of the Pakistan Bar Council, may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Supreme Court which may pass such order thereon as it may deem fit.

49. Application of sections 5 and 12 of the Limitation Act, 1908. - The provisions of sections 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall, so far as may be, apply to appeals made under section 47 or section 48.

50. Stay of order.- An appeal made under section 47 or section 48 shall not operate as a stay of the order appealed against but the disciplinary committee of the Pakistan Bar Council or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

51. Powers of the disciplinary committee.- The disciplinary committee of the Pakistan Bar Council shall have the same powers as are vested in a Tribunal by section 45 and that section shall apply to the disciplinary committee, the reference to the “Tribunal” in that section being construed as a reference to the “disciplinary committee of the Pakistan Bar Council”.

52. Execution of an order of a Bar Council, a Committee or a Tribunal:- Subject to provisions of this Act and the Rules made thereunder every order of a Bar Council, a Committee or a Tribunal shall be executable:-

- (a) in case of Pakistan Bar Council, its Committee or Tribunal as if it was an order of the Supreme Court; and
- (b) in case of a Provincial Bar Council, its Committee or Tribunal as if it was an order of a High Court.”.

53. Review of the order by disciplinary committee.- The disciplinary committee of the Pakistan Bar Council may of its own motion or otherwise review any order passed by it under this Chapter.

54. Power of Supreme Court and High Court to suspend advocates from practice.- (1) The Supreme Court or a High Court may, while making a complaint under sub-section (2) of

section 41 against an advocate, make an order for the suspension of the advocate from practice if, after hearing such advocate, the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) On a complaint made to it against an advocate by a Court subordinate to it, the High Court may :-

- (a) make an order under sub-section (1) in respect of such advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Bar Council, is expedient or necessary in the public interest and forward the complaint to the Provincial Bar Council for action in accordance with section 41; or
- (b) without making any order under sub-section (1), forward the complaint to the Provincial Bar Council for action in accordance with section 41; or
- (c) direct that no further action need be taken in respect of the complaint].

^{65a}[CHAPTER VIIA ... Omitted]

**CHAPTER VIII
RULES**

55. Power of Pakistan Bar Council to make rules.- The Pakistan Bar Council may, by notification in the official Gazette, make rules to provide for—

- (a) the manner in which the election of members of a ⁵⁵[.....] Bar Council shall be held and the manner in which results of election shall be published;
- (b) the manner in which the election of the Vice-Chairman of a Bar Council shall be held;
- (c) the manner in which and the authority by which doubts and disputes as to the validity of an election to ⁵⁶[a Bar Council] or to the office of the Vice-Chairman of a Bar Council shall be finally decided.
- (d) The powers and duties of the Chairman and Vice-Chairman of the Bar Councils;

^{65a}. Please see footnote at page 54.

⁵⁵. The word “Provincial” was omitted by the Legal Practitioners and Bar Councils (Amendment) Act. 1973 (Act No. XXXVI of 1973) section 4 (a), with effect from 9.6.1973.

⁵⁶. The words “the Provincial Bar council” were substituted by the words “ a Bar Council” ibid, section 4 (b).

- (e) The summoning and holding of meetings of the Pakistan Bar Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (f) The constitution and functions of any committee of the Pakistan Bar Council and the term of the members of any such committee;
- (g) The summoning and holding of meetings of such committee, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (h) The qualifications and terms and conditions of service of staff to be employed by the Pakistan Bar Council;
- (i) Matters pertaining to management, administration, utilization and investment of the fund of the Pakistan Bar Council;
- (j) The constitution of separate funds for special purposes by the Pakistan Bar Council;
- (k) The maintenance of books of accounts and other books by the Pakistan Bar Council;
- (l) The appointment of auditors and the audit of the accounts of the Pakistan Bar Council;
- (m)⁵⁷[the form and manner in which applications for admission as an advocate of the Supreme Court are to be made and the manner in which such applications are to be disposed of;]
- (n) the fee payable for enrolment or in respect of any other matter under this Act, and the installments, in which such fee may be paid;
- (o) the form in which a certificate of enrolment shall be given to a person enrolled as an advocate or an advocate of the High Court⁵⁸[or an advocate of the Supreme Court];
- (p) the standards of professional conduct and etiquette to be observed by advocates;
- (q) the standards of legal education to be observed by universities in Pakistan and the inspection of universities for that purpose;

⁵⁷. Clause (m) of Section 55 was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 14 (a), with effect from 2.3.1985. The present text was again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 16 (a), with effect from 25. 8. 1987.

⁵⁸. The words “or an Advocate of the Supreme Court” were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 14 (b), on 2.3.1985 which were again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 16 (6), with effect from 25.8.1987.

- (r) the circumstances in which and the conditions subject to which nationals of any foreign country may be admitted as advocates and foreign qualifications may be recognized for purposes of their admission;
- (s) ⁵⁹[the procedure to be followed by Tribunals constituted by the Pakistan Bar Council in inquiries relating to the conduct of an advocate];
- (t) the general principles for guidance of the Provincial Bar Councils;
- (u) ⁶⁰[the forming, recognition, derecognition and functioning of Supreme Court Bar Association or any Bar Association at the national level].

Provided that no rules made with reference to clause (r) shall have effect unless they have been approved by the Federal Government:

⁶¹[Provided further that, for holding the first elections to the Bar Councils to be constituted under this Act, rules with reference to clauses (a), (b) and (c) shall be made by the Federal Government and notified in the official Gazette].

56. Power of Provincial Bar Council to make rules.- ⁶²[A] Provincial Bar Council may, by notification in the official Gazette, make rules to provide for-

- (a) the summoning and holding of meetings of the Bar Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (b) the Constitution and functions of any committee of the Bar Council and the term of office of the members of any such committee;

⁵⁹. Clause (s) of Section 55 was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985 (Ordinance XVI of 1985) section 14 ©, on 2.3.85 which was again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 16 ©, with effect from 25.8.1987.

⁶⁰. By the Legal Practitioners and Bar Council (Amendment) Ordinance, 1978 (Ordinance XL of 1978) section 12, the following new clause (u) was added on 12.10.1978;

“(u) the forming, recognition and functioning of a Supreme Court Bar Association”.

It was substituted by the present text through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 82) section 22, with effect from 15.7.1982.

⁶¹. Added through the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act XXXVI of 1973) section 4 (c), with effect from 9.6.1973.

⁶². The words and comma “subject to the previous approval of the Pakistan Bar Council, a “were substituted for the word “A” in the beginning of Section 56, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 23 (a), with effect from 15.7.1982.

The previous position was restored on 25.8.87, as appears from the present text, by the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 17, by substituting the word “A” for the words and comma “Subject to the previous approval of the Pakistan Bar Council, a”.

- (c) the summoning and holding of meetings of the committees of the Bar Council, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (d) qualifications and terms and conditions of service of staff to be employed by the Bar Council;
- (e) the matter pertaining to management, administration, utilization and investment of the fund of the Bar Council;
- (f) the constitution of separate funds for special purposes by the Bar Council;
- (g) the maintenance of books of accounts and other books by the Bar Council;
- (h) the appointment of auditors and the audit of the accounts of the Bar Council;
- (i) the course of practical training in law and the examination to be passed after such training for admission as an advocate;
- (j) the form and manner in which applications for admission as an advocate or an advocate of the High Court are to be made and the manner in which such applications are to be disposed of;
- (k) the conditions subject to which a person may be admitted as an advocate or an advocate of the High Court;
- (l) the procedure to be followed by a Tribunal constituted by the Bar Council in inquiries relating to the conduct of an advocate;
- (m) the forming and regulation of firms of lawyers either throughout the Province or any specified part thereof;
- (n) the recognition, ⁶³[derecognition] and functioning of Bar Associations.

CHAPTER IX

MISCELLANEOUS

57. Grants to Bar Councils.- The Federal Government, in the case of Pakistan Bar Council, and the Provincial Government, in the case of a Provincial Bar Council, may make such grants in aid of the funds of the Bar Council as it may deem fit, having regard to the total number of advocates on the roll of the Council.

58. Penalty for illegal practice.- “(1) Any person who is not an Advocate and practices the profession of law or any person who is not entitled under this Act to practice in the Supreme

⁶³. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 23 (b), with effect from 15.7.1982.

Court, a High Court or any other Court or Tribunal subordinate thereto practices before the said Court or Tribunal shall be punished with imprisonment for a term which may extend to three years, or with fine upto rupees fifty thousand, or with both.”

(2) Any advocate who practices the profession of law, or acts or appears as agent for any other person, while he is suspended from practice, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

59. Power to frame and publish lists of touts.-(1) Every High Court, District Judge, Sessions Judge, District Magistrate and every Revenue Officer, not being below the rank of Collector of a district (each as regards their or his own Court the Courts, if any, subordinate thereto), may frame and publish lists of persons proved, to their or his satisfaction, or to the satisfaction of any subordinate Court as provided in sub-section (3), by evidence of general repute or otherwise, to habitually act as touts, and may, from time to time, alter and amend such lists.

Explanation:- The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice the profession of law in any court or revenue office shall be *prima-facie* evidence of the general repute of such person and of the fact that he is, or is not, a tout.

(2) No person’s name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Courts shall thereupon hold an inquiry into the conduct of such persons and, after giving each such person an opportunity of showing cause as provided in such-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate Court to be a tout; and that authority may include the name of any such person in the list of touts framed and published by that authority:

Provided that such authority shall hear any such person who, before his name is so included, appears before it and desires to be heard.

(4) A copy of every such list shall be kept hung up in every Court to which the same relates.

(5) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment, which may extend to three years or with fine, or with both.

Explanation.- Any person ordered to be excluded from the precincts of a Court under the provisions of sub-section (5), if found on such precincts while such order is in force, shall be

deemed, unless the contrary be proved, to be at such precincts for the purposes of acting as a tout.

⁶⁴[(7) Omitted]

(8) An offence under sub-section (6) shall be non-bailable.

⁶⁵[Omitted]

⁶⁶[59A Omitted]

⁶⁷**[59B. Removal from Bar Association.-** (1) An Advocate who has once been admitted as a member of a Bar Association shall not be removed from such membership except on the ground that he has either incurred any of the disqualifications for the membership of a Bar Council under this Act or been in default in paying the fees of the Bar Association for a period of not less than twelve months.

Provided that the membership of an advocate who is removed on the ground of his having been in such default shall stand if he pays up the fees due within sixty days of such removal].

⁶⁸[(2) Omitted]

⁶⁴. Sub-section (7) of Section 59, which reads as follow, was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance No. XL of 1978) section 13, with effect from 12.10.1978.

“(7) No Court shall take cognisance of an offence under sub-section (6) except:-
(a) upon a complaint made in writing by the President of the Bar Association for the place where such offence has been committed, or any office-bearer or member of such Association authorised by him in this behalf; or
(b) upon a report made in writing by a police officer on a complaint made by a person referred to in clause (a)”

⁶⁵. The proviso to sub-section (8) of Section 59 which reads as under, was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance 1982 (Ordinance XVII of 1982), section 24, with effect from 15.7.1982.

“Provided that no person accused of such offence shall be arrested unless a complaint, alleging that he has committed such offence is made by a person referred to in clause (a) of sub-section (7)”

⁶⁶. Section 59A, reads as under, inserted on 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) section 25, was omitted on 25.8.1987 through the Legal Practitioners and Bar councils (Amendment) Act, 1987 (Act VIII of 1987) section 18:-

“59A, Bar Council or bar Association not to indulge in political activity.-A Bar Council or a Bar Association shall perform such functions as are conferred on it by this Act or the rules made thereunder and shall not indulge in any political activity, directly or indirectly”.

⁶⁷. Inserted on 15.7.1982, by the Legal Practitioners and Bar councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982)), section 25.

⁶⁸. The following sub-section (2), earlier inserted with Section 59B on 15.7.1982 [by Ordinance XVII of 1982, section 25], was omitted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 19, with effect from 25.8.1987:-

60. Power of the High Court relating to remuneration of advocates.- The High Court shall from time to time fix and regulate the fees payable by any party in respect of the fees of his adversary's advocate in all proceedings in such High Court and in the Courts subordinate to such High Court.

61. Group Insurance.- (1) The Pakistan Bar Council may from time to time arrange for the insurance of the life of such advocates of the Supreme Court who are borne on its roll as have not attained the age of sixty-five years, and a Provincial Bar Council may likewise arrange for the insurance of the life of such advocates borne on its rolls as have not attained the age of sixty two years, and for such period as it deems fit.

(2) Where any such arrangement as has been referred to in sub-section (1) has been made by a Bar Council-

- (a) it shall establish a separate Group Insurance Fund which shall vest in and be administered by the Bar Council;
- (b) every advocate whose life has been insured under such arrangement shall pay to the Bar Council, annually, monthly, or at such other intervals as may be prescribed, such sum of money as the premium for the insurance of his life, as may be determined by the Bar Council;
- (c) all sums received as premia under clause (b) and any interest or profit accruing thereon shall be credited into the Group Insurance Fund of the Bar Council;
- (d) all expenses incurred by the Bar Council on the arrangements with an Insurance Company or other insurer and on the administration of the Group Insurance Fund shall be defrayed from such Fund; and
- (e) any sums remaining in such fund after defraying the expense referred to in clause (d) may be utilized for such purposes connected with the welfare of advocates as may be prescribed.

(3) The provisions of sub-section (4) of section 34 shall apply to the insurance premia required to be paid under clause (d) of sub-section (2), as if such premia were an annual fee or installment of a fee payable under that section.

62. Benevolent Fund.- (1) A Bar Council may establish a fund to be called the Advocates Benevolent Fund.

(2) Where a Bar Council establishes a Benevolent Fund-

“(2) Notwithstanding anything contained in any law or rule, the right of an advocate to practice as such shall not be dependant upon his being a member of a Bar Association or be affected in any manner by reason only of his not being, or having ceased to be a member, or of his having been removed from the membership, of a Bar Association”.

- (a) if it be the Pakistan Bar Council, every advocate of the Supreme Court ⁶⁹[borne on its roll], and if be a Provincial Bar Council, every advocate borne on its rolls, shall pay to the Benevolent Fund, annually, monthly or at such other intervals as may be prescribed, such amount as his contribution to the Fund as may be determined by the Pakistan Bar Council;
- (b) the moneys credited into the Fund shall be kept in such bank as may be prescribed;
- (c) the Fund shall be utilized, in such manner as may be prescribed by the Bar Council, for-
 - (i) the relief of advocates and their families;
 - (ii) giving financial relief to the families of deceased advocates;
 - (iii) making grants to advocates on special occasions; and
 - (iv) defraying expenditure in respect of the management of the Fund.

(3) The provisions of sub-section (4) of section 34 shall apply to the contributions required to be made to the Benevolent Fund under clause (a) of sub-section (2) as if such contributions were an annual fee or installment of fee payable under that section.

(4) An advocate shall not exercise the rights and privileges under this Act without making payment of the dues to the Pakistan Bar Council or a Provincial Bar Council as may be prescribed by the Rules or Bye-laws of such Bar Council.

(5) Every advocate shall be liable to pay contributions to the Benevolent Fund under this section and the Rules made thereunder to the Provincial Bar Council concerned notwithstanding his enrolment as an advocate or advocate-on-record of the Supreme Court of Pakistan.

63. Validation- (1) Notwithstanding the constitution of New Provinces and the establishment of new High Courts by or under the Province of West Pakistan (Dissolution) Order 1970, (P.O. No. 1 of 1970), or any law, judgment, order or decree of a Court-

- (a) any power exercised or functions and duties performed or undertaken by the Pakistan Bar Council or the West Pakistan Bar Council constituted under the Legal Practitioners and Bar Councils Act, 1965 (III of 1965), or by any committee thereof, or Tribunal appointed by it, in accordance with the provisions of the said Act, shall always be deemed to have been validly exercised, performed or undertaken; and
- (b) no action, proceeding, decision, order or finding of such Bar Council, committee or Tribunal shall be called in question before any Court or other authority, only on the ground of the dissolution of the Province of West Pakistan, the constitution of new

⁶⁹ . The words “borne on its roll”, were omitted on 2.3.1985 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) section 15. The same words were again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) section 20, with effect from 25.8.1987.

Provinces in its place of the establishment of new High Courts in the place of the High Court of west Pakistan.

⁷⁰[64. Repeal. – Omitted]

⁷⁰. Sections 64, 65 and 66, read as under, were omitted, with effect from 8.7.1981, by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ord XXVII of 1981) section 3 and Sch II:-

“64. Repeal.- The Legal Practitioners and Bar Councils Act, 1965 (III of 1965), hereinafter referred to as the said Act, is hereby repealed.

“65. Continuance of Existing Bar Councils.- Notwithstanding the repeal of the said Act.-

- (a) the Pakistan Bar Council constituted under the said Act shall, until the constitution of the Pakistan Bar Council under this Act, be deemed to be the Pakistan Bar Council under this Act and shall, save as otherwise provided in this Act, have the same powers, functions, rights and liabilities as the Pakistan Bar Council under this Act, and the Chairman, Vice-Chairman, members, committees and Tribunals of the said Bar Council shall be deemed to be the Chairman, Vice-Chairman, members, committees and Tribunals of the Pakistan Bar Council for the purposes of this Act and the rules made thereunder;
- (b) the Provincial Bar Councils constituted under the said Act shall, until the constitution of the Provincial Bar Councils under this Act, be deemed to be the Provincial Bar Councils for the purposes of this Act, and shall, save as otherwise provided in this Act, have the same powers, functions, rights and liabilities as the Provincial Bar Councils constituted under this Act and the chairman, Vice-Chairman, members, committees and Tribunals of each such Bar Council shall be deemed to be the Chairman, Vice-Chairman, members, committees and Tribunals of the Provincial Bar Council for the purposes of this Act and the rules made thereunder;
- (c) until new rules under this Act are framed, the rules framed under the said Act shall, so far as applicable and with the necessary adaptations, remain in force and shall take effect as rules made under this Act.

“66 Dissolution of existing Bar Councils etc.- (1) On the constitution of Bar Councils under this Act.-

- (a) the Pakistan Bar Council and the Provincial Bar Councils constituted under the said Act shall stand dissolved;
- (b) all properties and assets vesting in the Pakistan Bar Council constituted under the said Act shall vest in the Pakistan Bar Council constituted under this Act.
- (c) all properties and assets vesting in the West Pakistan Bar Council constituted under the said Act shall be apportioned among and vest in the Bar Councils constituted under this Act for the Provinces of Baluchistan and Sindh, the North-West Frontier Province and the Province of the Punjab in the same proportion which the contributions made and fees paid to the West Pakistan Bar Council by persons borne on the roll of that Bar Councils from the regions which respectively from said Provinces bear to the total contributions made and fees paid to the said Bar Councils by all the persons borne on the roll of the said Bar Council;
- (d) all rights, liabilities and obligations of the Pakistan Bar Council constituted under the said Act whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Pakistan Bar Council constituted under this Act;
- (e) all rights, liabilities and obligations of the West Pakistan Bar Council constituted under the said Act, shall be the rights, liabilities and obligations of the Bar Councils constituted under this Act for the Provinces of Baluchistan and Sindh, the North-West frontier Province and the Province of the Punjab in the same proportion as is mentioned in clause (d);
- (f) all proceedings pending before the Pakistan Bar Council constituted under the said Act in respect of any disciplinary matter or otherwise shall stand transferred to the Pakistan Bar Council constituted under this Act;

⁸¹ [65. Continuance of existing Bar Council.-Omitted]

⁸¹ [66. Dissolution of existing Bar Councils etc. – Omitted]

67. Continuance in service of the employees of the West Pakistan Bar Council.- Every person in the employment of the West Pakistan bar Council immediately before its dissolution, at whatever place he may for the time being be serving, shall be deemed, as from the constitution of Provincial Bar Councils under this Act, to be in the employment of the Bar Council for the Province or Provinces in which the said place is situated, and shall be entitled to the same terms and conditions of service as respects remuneration and leave as he was entitled to before the constitution of the last named council.

68. Savings.- (1) Nothing in this Act shall apply to mukhtars and revenue agents and every mukhtar and revenue agent practising as such immediately before the commencement of this Act shall continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person as he enjoyed, and be subject to the disciplinary jurisdiction of the same authority to which he was subject, immediately before such commencement, and the provisions of the Legal Practitioners Act, 1879 (Act XVII of 1879), or other law shall have effect in relation to such persons as if they had not been repealed by the said Act.

SCHEDULE

[Se Section 5(2) (b)]

Punjab Bar Council:

Group of Districts-I

Name of District	Seats
(1) Bahawal Nagar	01
(2) Bahawalpur	03
(3) Rahim Yar Khan	02

Group of Districts-II

Name of District	Seats
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-
- (g) all proceedings pending before the West Pakistan Bar Council constituted under the said Act in respect of any disciplinary matter or otherwise shall stand transferred to such one of the Provincial Bar Councils constituted under this Act as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Act;
- (h) all proceedings pending before a Tribunal constituted by the Pakistan Bar Council under the said Act shall stand transferred to such Tribunal constituted by the Pakistan Bar Council under this Act as may be specified by it;
- (i) all proceedings pending before a Tribunal constituted by the West Pakistan Bar Council under the said Act shall stand transferred to such Tribunal constituted under this Act as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Act”.

(1)	Dera Ghazi Khan	...	01
(2)	Layah	...	01
(3)	Muzaffargarh	...	02
(4)	Rajanpur	...	01

Group of Districts-III

Name of District			Seats
(1)	Khanewal	...	02
(2)	Lodhran	...	01
(3)	Multan	...	04
(4)	Pakpattan	...	01
(5)	Sahiwal	...	02
(6)	Vehari	...	02

Group of Districts-IV

Name of District			Seats
(1)	Faisalabad	...	04
(2)	Jhang	...	02
(3)	Toba Tek Singh	...	01

Group of Districts-V

Name of District			Seats
(1)	Attock	...	01
(2)	Chakwal	...	01
(3)	Islamabad	...	01
(4)	Jhelum	...	01
(5)	Rawalpindi	...	04

Group of Districts-VI

Name of District			Seats
(1)	Bhakkar	...	01
(2)	Khushab	...	01
(3)	Mianwali	...	01
(4)	Sargodha	...	02

Group of Districts-VII

Name of District			Seats
(1)	Gujranwala	...	03
(2)	Gujrat	...	02
(3)	Hafizabad	...	01
(4)	Mandi Bahauddin	...	01
(5)	Narowal	...	01
(6)	Sialkot	...	02

Group of Districts-VIII

Name of District		Seats
(1)	Kasur	02
(2)	Lahore	16
(3)	Okara	02
(4)	Sheikhupura	02

Sindh Bar Council:

Group of Districts-I

Name of District		Seats
(1)	Karachi (South)	06
(2)	Karachi (Central)	04
(3)	Karachi (East)	04
(4)	Karachi (West)	01
(5)	Malir	01

Group of Districts-II

Name of District		Seats
(1)	Badin + Thatta	01
(2)	Dadu	01
(3)	Hyderabad	03

Group of Districts-III

Name of District		Seats
(1)	Sukkur	02
(2)	Ghotki	01
(3)	Khairpur	01
(4)	Naushero Feroze	01
(5)	Nawab Shah	01

Group of Districts-IV

Name of District		Seats
(1)	Jaccobabad	01
(2)	Larkana	02
(3)	Shikarpur	01

Group of Districts-V

Name of District		Seats
(1)	Mirpur Khas	01
(2)	Sanghar	01

N.W.F.P. Bar Council

Group of Districts-I

Name of District	Seats
(1) Peshawar	07
(2) Charsada	01
(3) Nowshera	01

Group of Districts-II

Name of District	Seats
(1) Mardan	02
(2) Swabi	01

Group of Districts-III

Name of District	Seats
(1) Kohat + Hangu	01
(2) Karak	01

Group of Districts-IV

Name of District	Seats
(1) D.I. Khan + Tank	02
(2) Bannu	01
(3) Lakki Marwat	01

Group of Districts-V

Name of District	Seats
(1) Haripur	01
(2) Abbottabad	02
(3) Mansehra + Balakot	02

Group of Districts-VI

Name of District	Seats
(1) Mingora (Swat)	01
(2) Shangla (Alipur)+ Kohistan	01
(3) Daggar (Baner) + Malakand at Batkhela	01
(4) Timargara (Dir)+ Dir Bala	01
(5) Chitral	01

Balochistan Bar Council

Group of Districts-I

Name of District	Seats
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Quetta + Chaghi + Noshki + Khuzdar +Mustong +Kalat	04
Group of Districts-II		
Name of District		Seats
Kech + Panjgor + Gwadar + Lasbella + Kharan + Awaran	01
Group of Districts-III		
Name of District		Seats
Sibbi + Bolan + Nasirabad + Jaffarabad + Jhalmagsi + Kohlo + Dera-Bugti	01
Group of Districts-IV		
Name of District		Seats
Zhob + Loralai + Musakhel + Barkhan + Ziarat + Killa Saifullah + Killa Abdullah + Pashin	01

⁷¹[69. Removal of difficulties.- Omitted].

⁷¹. Section 69, read as under, was omitted, with effect from 8.7.1981, by the Federal Laws (revision and Declaration) Ordinance, 1981 (Ord. XXVII of 1981) section 3 and Sch. II:-

“69. Removal of difficulties.- If any difficulty arises in giving effect of the provisions of this Act, particularly in relation to the holding of the first elections under this Act to a Bar Council or the devolution or apportionment of the properties, assets, rights, liabilities and obligations of the West Pakistan Bar Council constituted under the said Act or the transfer of the proceedings pending before that Council, the Federal Government may, by order published in the official Gazette, make such provisions, not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty”.

THE PAKISTAN LEGAL PRACTITIONERS & BAR COUNCILS RULES, 1976

CONTENTS

Rules

CHAPTER 1 Preliminary

1. Short title & commencement.
2. Definitions.

CHAPTER II Elections

PART 1- DEFINITIONS

3. Definitions.

PART II Elections to Provincial Bar Councils.

4. Publication of Divisional Roll/Voters list.
5. Publication of programme of election.
6. Delivery/receipt of proposals/nomination papers.
7. Display of list of proposals on the notice board.
8. Acceptance/rejection of proposals.
9. Withdrawal of candidature.
10. Declaration of election of un-opposed candidates and pasting of list of contesting candidates on the notice board.
- 10-A. Prohibition of canvassing through advertisements, banners etc.
11. Notification of polling stations.
12. Appointment of polling agents.
13. Publication of list of polling stations.
14. Form of ballot papers.
15. Appointment of polling Officers.
16. Supply of list of voters to Polling Officer.
17. Conduct of Poll by the Polling Officer.
18. Ballot Boxes etc.
19. Regulation of entry of persons in polling stations.
20. Display of list of contesting candidates outside polling stations and setting up of polling booths etc.
21. Number of votes, which a voter can cast.
22. Issue of ballot paper and casting of vote.

23. Duration of time for voting.
24. Voting by secret ballot and re-issue of ballot paper etc.
25. Counting of voters.
26. Declaration of result etc.
27. Presence of candidates and their agents at the counting.
28. Preparation and publication of list of elected candidates.

PART II-A

Filling of Casual Vacancies

- 28-A. Filling of casual vacancies.

PART III

Election of Members of the Pakistan Bar Council

29. Election roll for the election of the Pakistan Bar Council.
30. Publication of programme of election.
31. Candidature, letter of proposal, its delivery and receipt etc.
- 31.A Prohibition of canvassing through advertisements, banners etc.
32. Voter's single transferable vote.
33. Display of list of proposals on the notice board.
34. Acceptance/rejection of proposal.
35. Withdrawal of candidature.
36. Publication of list of contesting candidates.
- 36.A Declaration of election of un-opposed candidate.
37. Polling stations.
38. Appointment of polling agents.
39. Publication of list of voters and polling stations.
40. Form of ballot paper.
41. Appointment of Polling Officers.
42. Conduct of Poll by the Polling Officer.
43. Supply of list of voters to Polling Officer
44. Ballot Box etc.
45. Regulation of entry of persons in polling station.
46. Display of list of contesting candidates outside polling station and setting up of polling booths etc.
47. Issue of ballot paper and casting of vote.
48. Marking of vote.
49. Re-issue of ballot paper in case of spoiling of ballot paper.
50. Cancellation of ballot paper.
51. Counting of votes etc. by the Polling Officer.
52. Counting of votes by the Returning Officer.
53. Value of a ballot paper and quota to secure the return of a candidate.
54. Disregard of fractions and ignorance of preferences recorded for candidates already elected etc.
55. Transfer of surplus and sub-parcel of un-exhausted papers etc.
56. Exclusion of a candidate from the count.
57. Transfer of value of the parcel/paper of excluded candidate etc.

- 58. Election of continuing candidates.
- 59. Exclusion of a candidate..
- 59.A Exclusion of candidate after filling of seats reserved for a particular Province.
- 60. Re-examination and re-counting of votes etc.
- 60.A Preparation and publication of list of elected candidates.
- 60.B Filling of casual vacancy.

PART III-A

[Deleted]

PART IV

Election Tribunals

- 61. Filing of objection to validity of election of a candidate.
- 62. Grounds of objection.
- 63. Hearing of objections by the Election Tribunal.
- 64. Setting aside of Election.
- 65. Irregularity in proceedings.
- 66. Declaration of election of a candidate in place of a candidate/member whose election is declared void.
- 67. Filling of a vacancy.

PART-V

Election of Vice-Chairman

- 68. Election of Vice-Chairman of a Bar Council.
- 69. Returning officer for election of Vice-Chairman.
- 70. Eligibility.
- 71. Candidature.
- 72. Withdrawal of candidature.
- 73. Declaration of unopposed election
- 74. Voting by secret ballot.
- 75. Ballot Box.
- 76. Issue of ballot papers.
- 77. Casting of votes.
- 78. Counting of votes.
- 79. Decision of a dispute about marking of votes.
- 80. Declaration of result.
- 81. Decision by drawing of lots in case of a tie.
- 82. Election petition regarding election of Vice-Chairman.
- 83. Repeal.

CHAPTER III

Powers and duties of the Chairman and Vice-Chairman of Bar Councils.

- 84. Powers and duties of Chairman.
- 85. Functions and duties of Vic-Chairman.

CHAPTER IV

Committees of Pakistan Bar Council

- 86. Committees of Pakistan Bar Council.
- 86.A Minutes, proceedings etc. of Committees to be laid before Pakistan Bar Council.

CHAPTER V

Meetings of the Pakistan Bar Council and its Committees

- 87. Convening of meetings Pakistan Bar Council.
- 88. Convening of meetings of Committees.
- 89. Notice of meetings.
- 90. Mode of notice.
- 91. Quorum.
- 92. Presiding over of meetings of Pakistan Bar council.
- 93. Presiding over of meetings of Committees.
- 94. Transaction of business at a meeting.
- 95. Change of order of business.
- 96. Decisions at a meeting.
- 97. Proceedings of meetings of Pakistan Bar Council and its Committees.
- 98. Re-opening of a matter decided by the Bar Council.
- 99. Election of Chairman of a Committee.
- 100. Term of Committees.
- 101. Determination of time and place of meeting of a Committee and issuance of agenda.
- 102. Decision by a Committee in meeting or circulation.
- 103. Power of Committee to decide its own procedure.
- 104. Manner of Submission of reports by Committees.

CHAPTER VI

Common Roll of Advocates

- 105. Preparation of the common roll of Advocates.

CHAPTER VII

Enrolment of Advocates of the Supreme Court.

- 106. Qualifications for enrolment as an Advocate of the Supreme Court.
- 107. Application for enrolment.
- 108. Consideration and disposal of enrolment application by the Enrolment Committee.

CHAPTER VII-A
Enrolment and Training of Advocates.

- 108.A Application for enrolment as an Advocate.
- 108.B Documents to be attached with enrolment application.
- 108.C Apprenticeship.
- 108.D Enquiry by the Enrolment Committee.
- 109.E Issuance of Enrolment Certificate.
- 108.F. Communication of decision of Bar Council about rejection of an application.
- 108.G. Appeal to Enrolment Committee of Pakistan Bar Council.
- 108.H. Disposal of Appeal.
- 108.I. Persons exempt from training & examination.
- 108.J. Refusal of enrolment to a person otherwise qualified.
- 108.K. Consideration of enrolment application by the Provincial Bar Council before being sent to Enrolment Committee.
- 108.L. Membership of a Bar Association.
- 108.M. Recognition of Bar Associations.
- 108.N. Necessity of Membership of Supreme Court Bar Association for practise as an Advocate of Supreme Court.
- 108.O. Suspension and restoration of practising Certificate.
- 108.P. Determination of disputes relating to seniority.
- 108.Q. Communication of additions, alterations and corrections in the Roll to the High Court.

CHAPTER VIII

Forms and Fees etc. for Enrolment as Advocates

- 109. Issuance of Certificate for enrolment as an Advocate and Advocate of the High Court And Identity Card.
- 110. Fees for enrolment as Advocate.
- 111. Payment of annual and late fees.

CHAPTER IX
Appeals against Enrolment

- 112. Appeal against order of a Provincial Bar Council refusing enrolment.
- 113. Disposal of Appeal by the Enrolment Committee.
- 114. Disputes relating to seniority to be determined by the Enrolment Committee.
- 115. Additions, alterations etc. made in the Roll to be sent to High Court.

116. Notification of Roll and additions, alterations etc. thereto.

CHAPTER X

Disciplinary Proceedings

117. Complaint against an Advocate of the Supreme Court.
118. Consideration and disposal of complaint by the Disciplinary Committee.
119. Hearing of the complaint by the Tribunal on receipt of reference from the Disciplinary Committee.
120. Reply of Advocate concerned.
121. Determination of the matter by the Tribunal on evidence.
122. Advocate concerned.
123. Secretary of the Tribunal.
124. Application of procedure of Chapter x to proceedings of Disciplinary Committee.
125. Suo mot power of the Pakistan Bar Council regarding disciplinary proceedings.
126. Power of the Tribunal to suspend an Advocate.
127. Appeal against order of the Tribunal.

CHAPTER XI

Finance

128. Management, administration and utilization of funds.
129. Share of Pakistan Bar council in enrolment fee, operation of accounts of the Council, investment of its funds etc.
130. Application of moneys credited to the funds of the Council.
131. Maintenance of the Cash Book.
132. Compilation of six monthly statement of income and expenditure, annual account of the financial year; audit of accounts etc.
133. Preparation of annual Budget of the Council.

CHAPTER XII

Canons of Professional Conduct and Etiquettes of Advocates

‘A’-Conduct with regard to other Advocates

‘B’-Conduct with regard to clients.

‘C’-Duty to the Court.

‘D’- Conduct with regard to the public generally.

CHAPTER XIII

Miscellaneous

176. Entitlement of Traveling Allowance to Members of the Pakistan Bar Council.
177. Entitlement of Daily Allowance to Members of the Pakistan Bar Council.
178. Vacancy of seat of a Member of a Bar Council.
179. Maintenance of a register of disciplinary proceedings etc.
180. Payment of moneys to the Bar Council.
181. Inspection of record by parties to proceedings.
182. Duplicate enrolment Certificate.
183. Secretariat of the Pakistan Bar Council.
184. Supply of copies of proceedings, rules and annual audit reports of provincial Bar Council to the Pakistan Bar Council and issue of directions/ Instructions by the Pakistan Bar Council to the Provincial Bar Council.
185. Power of the Pakistan Bar Council to suspend Rules.
Forms.

**PAKISTAN BAR COUNCIL,
NOTIFICATION
Lahore, the 21st May, 1976**

S.R.O. 476 (1) 76-In exercise of the powers conferred by Section 55 of the Legal Practitioners and Bar Councils Act of 1973 (XXXV of 1973) and other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following Rules.

**¹THE PAKISTAN LEGAL PRACTITIONERS
AND BAR COUNCILS RULES, 1976.**

**CHAPTER 1
PRELIMINARY**

1. (i) These Rules may be called the Pakistan Legal Practitioners and Bar Councils Rules, 1976.
(ii) They shall come into force at once.
2. In these Rules unless there is anything repugnant in the subject or context:
 - (a) “Act” means The Legal Practitioners and Bar Councils Act, 1973 (Act XXV of 1973)
 - (b) “Chairman” means—
 - (i) in relation to the affairs of the Pakistan Bar Council, the Chairman of the Pakistan Bar Council.
 - (ii) In relation to the affairs of a Provincial Bar Council, the Chairman of the Provincial Bar Council concerned.
 - (c) ²[“Member” in relation to a Bar Council does not include the Chairman thereof].
 - (d) ³[“Secretary”] means a person appointed as ⁴[Secretary] of the Pakistan Bar Council and includes any other person to whom all or any of the functions of the ⁵[Secretary] are for the time being entrusted by the Bar Council or the Chairman.
 - (e) “Section” means a Section of the Act.

¹ These Rules were framed adopted by the Pakistan Bar Council as per its Resolution dated 10th April, 1976 and Notification published in the Gazette of Pakistan, Extra (Part II). May 22, 1976.

² The original clause (c) of Rule 2 reads as under:-

“(c) “Member” means a Member of the Pakistan Bar Council”.

It was substituted by the present text, with effect from 20.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II) March 24, 1979.

³ The word “Secretary” was substituted by the words “Secretary General”, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983. But, thereafter, the word “Secretary” was substituted for the words “Secretary-General”, with effect from 22.8.1984, under Notification published in the Gazette of Pakistan, Extra, (Part II), August 22, 1984.

⁴ See foot note No. 3.

⁵ See foot note No. 3.

CHAPTER II - ELECTIONS

PART 1 – DEFINITIONS

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

⁶[(a) “candidate” means :-

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

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

⁷[(aa) “continuing candidate” means any candidate who is neither elected nor excluded form the poll at any given time].

(b) “elected member” means a member dully elected to the Pakistan Bar Council or a Provincial Bar Council as the case may be.

(c) “Election Tribunal” means :-

- (i) in relation to elections to a Provincial Bar Council and its Vice-Chairman, a Judge of the High Court nominated by the Chief Justice of the High Court concerned; and
- (ii) In relation to the elections to the Pakistan Bar Council and its Vice-Chairman, a Judge of the Supreme Court nominated by the Chief Justice of Pakistan.

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

⁷ See footnote No. 6.

- (d) “exhausted paper” means a ballot paper on which no further preference is recorded for a continuing candidate; provided that a ballot paper shall also be deemed to have become exhausted whenever:-
- (a) the name of two or more candidates whether continuing or not, are marked with the same figure and are cast in order of preference; or
 - (b) the name of a candidate next in order of preference whether continuing or not is marked:
 - (i) by a figure not following consecutively after some other figure on the ballot paper;
 - (ii) by two or more figures.
 - (e) “first preference” means the figure “1” set opposite the name of a candidate; “second preference” means the figure ⁸“2” set opposite the name of a candidate; “third preference” means the figure ⁹“3” set opposite the name of a candidate and so on.
 - (f) “member” means a member of a Provincial Bar council, ¹⁰[but shall not include its chairman].
 - (g) “original vote”, in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for such candidate.
 - (h) “published” with its grammatical variation includes exhibitions at a place accessible to the public.
 - ¹¹[i] “Returning Officer” means:-

⁸ Figure “2” was substituted by the figure ‘ 2 ’, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

⁹ Figure “3” was substituted by the figure ‘ 3 ’, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

¹⁰ The words “but shall not include its Chairman” were added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

¹¹ The original clause (i) of Rule 3 reads as under:-
“(i) “Returning Officer” means :-

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

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

- (i) in relation to election to a Provincial Bar Council, the Advocate-General of that province;^{11a}[or in his absence the Additional Advocate General in order of seniority, and where there is no Additional Advocate General an Assistant Advocate General in order of seniority];
- (ii) in relation to election to the Pakistan Bar Council, the Attorney General for Pakistan ^{11a}[or in his absence a Deputy Attorney General in order of seniority];
- (j) “surplus: means a number by which the value of the votes original and transferred of any candidate exceed the quota;
- (k) “transferred vote”, in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate;
- (l) “un-exhausted ballot paper” means a ballot paper on which a further preference is recorded for a continuing candidate; and
- (m) “voter” means:-
 - (i) in relation to election to a Provincial Bar Council, an Advocate whose name for the time being appears on the ¹²[divisional] roll ¹³[and to whom an identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months].
 - (ii) In relation to election to the Pakistan Bar Council, a member ¹⁴[of a Provincial Bar Council].

PART II

ELECTION TO PROVINCIAL BAR COUNCILS

^{11a} Added vide Notification published in the Gazette of Pakistan, Extra (Part II), February 21, 1990.

¹² The word “divisional” was substituted for the word “provincial”, with effect from 24.4.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

¹³ The words “and to whom an identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months” were added, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 6, 1983. The Lahore High Court, according to its Judgment dated 29.11.83, has declared this amendment of clause (m) of Rule 3 as ineffective in law.

¹⁴ The words “of a Provincial Bar Council” were added, with effect from 24..3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

- ¹⁵[4.(1) Each Provincial Bar Council shall publish Divisional Rolls of Advocates district wise on the 1st day of October of the year in which the elections of a Bar Council are to be held, which will constitute as Voters Lists for the elections to the Provincial Bar Council.
- (2) The Returning Officer of a Provincial Bar Council, after ascertaining the number of Advocates practising generally in a district and entered on the Divisional Roll from that district on the 1st day of October, as published under sub-rule 4(1), shall notify;
- (a) the number of Members to be elected from each district under clauses (a) & (b) of sub-section (2) of Section 5; and
- (b) the names of the districts which shall for the purpose of election, be joined with one or more adjoining districts under clause (c) of sub-section (2) of Section 5].
- 5.(1) The Returning officer shall publish a programme of the election of Members of the Provincial Bar Council in the official gazette specifying.-

¹⁵ The originally framed Rule 4 reads as under:-

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

- (a) a list of advocates so practising and entered on the provincial roll;
- (b) the date on or before which claims and objections relating to the list may be filed;
- (c) the date on which claims and objections relating to the list shall be heard and disposed of;
- (d) the date on which the final list of Advocates shall be published;
- (e) the number of members to be elected from each District under clauses (a) and (b) of sub-section (2) of Section 5; and
- (f) the names of the Districts which shall for the purpose of election, be joined with one or more adjoining Districts under clause (c) of the said sub-section (2).
- (2) The Chairman shall dispose of the claims and objections filed under clause (4) of sub-rule (1)”

Vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

It was amended, with effect from 24.3.1979, in the following terms.:

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

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

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

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

- (2) The place of the office of the Returning Officer shall also be specified in the notification and the location of the office shall not be changed during the course of election except for compelling reasons and notice of such change shall be published in at least one leading English and one leading vernacular daily of the province not later than four days before the change takes place.
- (3) Copies of the programme shall be sent to the Chief Justice of the High Court for information and to the President of all the Bar Associations for being pasted at the notice boards of their offices.

¹⁶[6. (1)] At any time before 2 p.m. on a date specified by the Returning Officer any Advocate practising generally in a district and entered on the ¹⁷[divisional] roll ¹⁸[who is qualified as voter] may by a letter addressed to the Returning Officer propose another such Advocate ¹⁹[qualified as a candidate] for election as a Member of the Provincial Bar Council ²⁰[from that district] by delivering at the

¹⁶ The originally framed Rule 6 was re-numbered as 6 (1) and present sub-rule (2) was added, with effect from 1.7.1983, through Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1973.

¹⁷ Substituted for the word “provincial”, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

¹⁸ Inserted, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

¹⁹ Inserted, *ibid*.

office of the Returning Officer nomination paper signed by him and accompanied by a statement by the Advocate whose name is proposed that he is willing to serve as Member if elected. A proposal shall relate-only to one candidate and shall be invalid if it relates to more than one. The Returning Officer or any other person specifically authorized by him in this behalf shall note on each proposal as soon as it is received, its number as well as the time and the date on which it is received.

²¹[(2) The proposal shall contain number of the Identity Card issued by the provincial Bar Council to such candidate and his proposer accompanied by a declaration form the candidate that he does not suffer from any of the disqualifications prescribed in the Act and the Rules]

²²[Provided that no voter shall sign more proposals than the number of the members to be elected to the Provincial Bar Council. In case he does so, his proposals received earlier in time upto the number of the members to be elected, shall only be valid].

7. (i) 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 this office containing particulars of the candidates.

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

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

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

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

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

²⁰ Inserted, *ibid*.

²¹ See foot note No. 16.

²² Substituted for the following, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979:-

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

²³ [. . . .]

²⁴[10A No contesting candidate shall canvass for votes through advertisements, banners, placards and posters. He may, however, solicit support through personal contact and by issuing post cards, letters and hand bills]

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

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

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

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

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

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

14. The ballot paper shall be in such form as may be specified by the Returning Officer and the names of the contesting candidates shall be written on it in ²⁵[Urdu].

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

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

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

²³. The following Explanation, which originally was made part of Rule 10, was deleted, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

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

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

²⁵ The word “English” was substituted by the word “Urdu”, *ibid.*.

- (2) It shall be the duty of a Polling Officer to do all such acts and things as may be necessary for effectively conducting the polls in accordance with the provisions of these Rules.
18. (i) The ballot box shall be such as may be provided by the Returning Officer;
- (ii) The Polling Officer shall ensure before the commencement of the poll that each box is empty and is properly sealed in the balloting position and is placed before him prior to the receiving of the ballot papers.
19. The Polling Officer shall, subject to such instructions as the Returning Officer may give, regulate the entry of persons to the polling station and exclude therefrom all persons except;
- (a) any person on duty in connection with the election.
- (b) Contesting candidates and one polling agent of each contesting candidate.
- ²⁶[(c) No canvassing shall be allowed inside the polling station].
20. (i) There shall be displayed outside the place of the poll a list of the contesting candidates.
- (ii) To enable the voters to mark their ballot papers in secret the Polling Officer shall set up polling booths screened from observation where voters shall record their votes;
- (iii) The Returning Officer shall provide sufficient number of ballot boxes, copies of the list of voters, ballot papers, stamps for marking official mark, writing material for indicating preferences ²⁷[on] the ballot papers and such other articles as may be necessary for facilitating the casting of votes.
21. ²⁸[In] an election of a Provincial Bar Council, each voter shall have as many votes as the number of ²⁹[members] to be elected ³⁰[from that division] to that Bar Council.
22. ³¹[(1) The ballot paper for the election to a Member of a Provincial Bar Council shall be issued to the voter by the Polling Officer only against the production of an identity card issued to him by such Provincial Bar Council.

²⁶ Added, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

²⁷ Substituted for the word "of", *ibid.*

²⁸ Substituted for the word "on", with effect from 24.3.1979, unde Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

²⁹ Substituted for the word "seats", *ibid.*

³⁰ Added, with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

- (2) A voter, on receiving the ballot paper, shall forthwith:-
 - (a) Proceed to the polling booth;
 - (b) Record his vote on the ballot paper by putting a cross against the name of the candidate for whom the voter intends to vote;
 - (c) Fold the ballot paper so as to conceal his vote; and
 - (d) Insert the ballot paper into the ballot box.
- (3) No voter shall be allowed to enter the voting booth when another voter is inside it]

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

24. (1) Voting shall be by secret ballot.
 - (2) A voter who has inadvertently spoiled his ballot paper so that it cannot be used may, after satisfying the Polling Officer about the fact of inadvertence, return the ballot paper to the Polling Officer who shall issue another ballot paper after cancelling the spoiled ballot paper which shall be placed in a packet labelled “spoiled ballot papers” noting the fact of cancellation on the counterfoil also.
 - (3) If any ballot paper which has been issued to a voter has not been inserted by him into the ballot box, but is found to be anywhere else it shall be cancelled and counted for as “spoiled ballot paper”.
25. (1) At the close of the polling, the ³²[Polling Officer] shall count in the presence of the candidates or their agents the votes cast for the various candidates and shall forward the ballot papers and the result of counting in a sealed cover to the Returning Officer.

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

³¹ The originally framed sub-rules (1) and (2) were re-numbered as (2) and (3), respectively, and the present sub-rule (1) was added, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

³² Substituted for the words “person proceeding with polling on any polling Station” with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

- (3) The Returning Officer shall reject a ballot paper, if --
- (i) The voter has put a cross against more candidates than the number of members to be elected;
 - (ii) The ballot paper contains a mark other than a cross put against the names of a candidate which is not found to be accidental.

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

³³[omitted]

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

28. A list of candidates declared elected shall be prepared and signed by the Returning Officer and ³⁴[...] shall cause the list to be published in the official Gazette ³⁵[of the Province]. Copies of the list shall also be sent to the Presidents of all the Bar Associations to be affixed on their notice boards.

³⁶[PART IIA

FILLING OF CASUAL VACANCIES

28A (i) Any member of a Provincial Bar Council present in the meeting may propose, in writing, the name of an Advocate whose name appears in the Divisional Roll from that District or Districts to which the vacancy relates, who is qualified to be a Member of the Provincial Bar Council under the provisions of the Act and Rules.

(ii) Such proposal shall be supported by documentary proof of the qualifications of a candidate for the membership of Provincial Bar Council as enumerated in Section 5A of the Act and shall also be accompanied by a declaration from such candidate that he does not suffer from any of the disqualifications as laid down in the Act and the Rules.

³³ The following proviso of the originally framed Rule 26 was deleted, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

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

³⁴ The words “shall be sent to the Chairman who” were deleted, with effect from 1.7.1983, under Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

³⁵ Added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan Extra (part II), March 24, 1979.

³⁶ Part II A was added, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

(iii) If there are more than one proposals for co-option to fill in the vacancy, the decision shall be taken by majority of the members present in the meeting of the Provincial Bar Council.

(iv) After the co-option of a Member against a casual vacancy, the Chairman of the Provincial Bar Council shall cause the name of such co-opted person to be notified in the Official Gazette of the Province as Member of such Provincial Bar Council.]

PART III

ELECTION OF THE MEMBERS OF THE PAKISTAN BAR COUNCIL

29. A list of the candidates declared elected by each Provincial Bar Council shall be prepared and signed by the Chairman of each Provincial Bar Council and it shall be sent to the Chairman of the Pakistan Bar Council who shall cause the list to be published in the official gazette of the Government of Pakistan. It shall be the electoral roll for the election to the Pakistan Bar Council.

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

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

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

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

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

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

(2) A member of the Provincial Bar council shall propose by a letter, the name of a candidate for the membership of the Pakistan Bar 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 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 practising 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 authorised by him in this behalf shall note on each proposal as soon as it is received, its number and the time and the date on which it is received].

^{37a}(4) Every candidate for election shall pay a nomination fee of Rs. 10,000/- alongwith the letter of proposal through pay Order/Bank in favour of the Pakistan Bar Council].

³⁸[31A. No contesting candidate shall canvass for votes through advertisements, 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 single transferable vote:

Provided however preferences shall be restricted to the number of seats available to be filled in.

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.

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

^{38a}[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.

³⁷. The Present text of Rule 31 was substituted for the following originally framed Rule 31, with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983:-

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

^{37a} Added vide Notification published in Gazette of Pakistan, Extra (Part II), July 7,1998.

³⁸. Added, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

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

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 ³⁹[Urdu].

(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.

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

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 Office.

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 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

^{38a}. Added vide Notification published in the Gazette of Pakistan, Extra (Part II), October 6, 1991.

³⁹. Substituted for the Word “English” with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II). March 24.1979.

⁴⁰. Added, *ibid*.

(b) the contesting candidates and 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
- (b) may, in addition, place on his ballot paper the figures ⁴¹[۱،۲،۳] 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 ⁴²[Urdu] 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 labelled "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 from the ballot boxes and record their number in a statement;
- (b) scrutinize the ballot papers taken out of the ballot boxes;

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 "

(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;

⁴¹ With effect from 24.3.1979, substituted for the figures and signs "2,3,4" through Notification published in the Gazette of Pakistan, Extra (Part II) , March 24, 1979.

⁴² Substituted for the word "English", *ibid*.

- (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.

(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

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.

(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 shall be determined as follows:-

- (a) add the value credited to all the candidates under paragraph (c), sub-rule(2) of rule 52.
- (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 on 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 those 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 candidates 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-paragraph 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-paragraph 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-paragraph 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 parcel 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-parcels 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 parcel 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-parcels 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 parcel 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 be decided 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 any time to 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 candidate 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 value 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 decided by lot which candidate shall be excluded.

⁴³[59-A. If during the course of counting the votes in the manner prescribed in these Rules, the number of candidates seeking election from a Province are declared elected equal to the number of seats reserved for the Province, the remaining candidates seeking election from that Province shall be excluded from the count and the Returning Officer shall sort out the un-exhausted papers into sub-parcels according to the next available preferences recorded thereon and shall transfer each sub-parcel to the contesting candidate for whom the next preference is recorded].

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.

⁴⁴[60-A. The list of candidates declared elected shall be prepared 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].

^{44a}[60-B. When, before the expiration of the term of member elected to the Pakistan Bar Council, his seat becomes vacant or is declared vacant or his election id declared void, the Returning Officer may by notification in the official Gazette, call upon the elected members of Provincial Bar Councils to elect a person for the purpose of filling the vacancy so caused, in accordance with the provisions of the Legal Practitioners and Bar Councils Act, 1973 and the Rules made thereunder].

⁴⁵[PART IIIA ... Deleted]

⁴³. Added, with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

⁴⁴. Added, *ibid*.

^{44a}. Added vide Notification published in the Gazette of Pakistan, Extra (Part II) October 6, 1991.

⁴⁵. 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 of 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.

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 filled 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.

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.

(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.

(v) After co-option, the Chairman of the Pakistan Bar Council shall cause the name 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 qualification 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 disqualification 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].

66. If the election of any member ⁴⁶[...] 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.

⁴⁷[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 or these Councils.

⁴⁸[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.

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.

⁴⁶. 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.

⁴⁷. 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”.

⁴⁸ 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”.

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.. ⁴⁹[Such number of Members
from time as may be determined
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 ⁵⁰

^{50a}[Provided that no Committee shall undertake the business normally performed by another Committee].

(c) ^{50b}[.....]

⁵¹[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.

⁴⁹ 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 Gazette 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.

⁵⁰ 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.

^{50a} Added vide Notification published in the Gazette of Pakistan, Extra (Part II), July 15, 1998.

^{50b} The originally framed clause © 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.

⁵¹ Added, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

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.
- (d) 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. Meeting 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. ⁵²[(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.

^{52a}[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 be 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].

^{52b}[(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:

⁵²

^{52a} Added, with effect from 8.3.1978, vide Notification in the Gazette of Pakistan, Extra (Part II), March 19,1978.

^{52b} Added, vide Notification mentioned above against footnote 52.

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.

⁵³[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].

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 member 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.

^{53a}[Provided that the Chairman of the Executive committee shall be elected from amongst its members every years].

(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 ⁵⁴[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 following manner:

(a) A comprehensive and clear enunciation of the questions considered by the Committee shall be set out.

⁵³ 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.”

^{53a} Added vide Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1990.

⁵⁴ See footnote No. 3.

- (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 special draft resolution or draft resolution setting forth the recommendations, the Committee desires the Pakistan Bar Council to adopt, shall be forwarded with reports.
- (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 ⁵⁵[Divisional and Provincial] ⁵⁶[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 entire 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 person entitled to appear and plead before the Court.
- (2) he has paid to the Bar Council, in case he is an Advocate of the Supreme Court, a fee of Rs. ^{56a}[10,000/-] and in case he is a senior Advocate of the Supreme Court a fee of Rs. ^{56b}[2000/-]
- (1) (a) The application for enrolment as an Advocate of the Supreme Court shall be addressed to the Chairman of the Pakistan Bar Council.

⁵⁵. 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.

⁵⁶. Substituted for the word “roll”, *ibid*.

^{56a} The originally provided figure “250” was successively substituted by the figures “1200”, “2000”, “4000” and “10000” vide Notifications published in the Gazette of Pakistan, Extra (Part II), on 1.7.1983, 4.7.89, 22.8.93 and 15.7.98, respectively.

^{56b} See footnote 66.

- (c) It shall be made in form 'A' attached to these Rules.
- (d) 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 ⁵⁷[and his name is still borne on the Roll of Advocates maintained by that Bar Council; he 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].
⁵⁸(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].
 - (iv) an affidavit by the applicant that he is eligible and not disqualified to practise as an Advocate of the Supreme Court ⁵⁹[and that he was not convicted an offence of professional or other misconduct and no such case is pending before any Bar Council].
 - ⁶⁰(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. ^{60a}[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.
 - (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 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.

⁵⁷ Added, with effect from 30.7.1984, vide Notification published in the Gazette of Pakistan, Extra (Part II), July 30, 1984.

⁵⁸ Substituted, *ibid*, for the following originally framed clause (iii);

“(iii) a certificate from the High Court concerned that he is eligible to practise as an Advocate of the Supreme Court of Pakistan and that he is not disqualified to practise as such”.

⁵⁹ Added, *ibid*.

⁶⁰ Added, *ibid*.

^{60a} See foot note 66.

⁶¹[CHAPTER VIIA
ENROLMENT AND TRAINING OF ADVOCATE

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 qualification 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 Bar Council 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;
- (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.

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.

⁶¹. New Chapter VIIA was added vide Notification published in the Gazette of Pakistan, Extra (Part II), January 7, 1992.

^{61a}[108C. (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 six months 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.

Provided that a pupil may commence his apprenticeship with such advocate after having passed his LL.B 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 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. Part I & II examinations and an affidavit to the effect that he has appeared in all the papers of his LL.B Part-III examination.

(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 result.

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 a person joining of Provincial Bar Council within one month after commencement of pupillage. In case an advocate has more than three pupils at any particular regarded as under training].

^{61b}[(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.

^{61a}. 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 advocate 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 pupillage. 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.

^{61b}. Re-numbered, *ibid*.

^{61b}[(4)] An advocate who gives a false certificate in this behalf shall be guilty of professional misconduct.

^{61b}[(5)] Every application 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) Qanuoon-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 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 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 recognized under section 26 (1) (c) (iii) of the Act, or a degree or

^{61b} . Re-numbered, *ibid.*

^{61b} . Re-numbered, *ibid.*

diploma which is declared by the Pakistan Bar Council to be equivalent to that degree.

- (2) Application 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 of 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, practised 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 the 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 recognize 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.

^{61c}[108-N. (1) No person shall practise 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-rules (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 who is already

^{61c}. 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 108-P, as Rules 108-O, 108-P and 108-Q, respectively.

enrolled as 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].

^{61d}[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 practise remained suspended.

Provided further that if he fails to seek such suspension within one month of such engagements 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 the 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

^{61d}. 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 practise 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”.

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.

^{61e} [(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].

⁶²110. [(a) The enrolment fee for an Advocate shall be Rs. ^{62a}[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. ⁶³[100/-].

⁶⁴ [(c) Fee for enrolment as an Advocate of the High Court shall be Rs. ^{64a}[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].

^{61e} . Added, with effect from 1.7.1983, vide Notification published in the Gazette of Pakistan, Extra (part II), June 6, 1983.

62. 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”.

^{62a} . 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.

⁶³ . 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.

⁶⁴ . 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) Feer 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”.

^{64a} . The originally provided figure “850/-” was successively substituted by the figure “900”, “1500” and “3000” vide Notification published in Gazette of Pakistan, Extra (Part II), on 1.7.1983, 4.7.1989 and 15.7.1998, respectively.

- (d) A fee of Rs.⁶⁵[1000/-] for enrolment as an Advocate of the Supreme Court shall be paid to the Pakistan Bar Council.
 - (e) A fee of Rs.⁶⁶[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 decided it and its decision shall be final.
 - ⁶⁷[(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 this application for enrolment to the 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.
- ⁶⁸[(b) If an Advocate fails to pay the installment 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 last payment.

CHAPTER IX

⁶⁵. The originally provided figure “250” was successively substituted by the figures “1200”, “2000”, “4000” and “3000” vide Notifications published in Gazette of Pakistan, Extra (Part II), on 1.7.1983, 4.7.1989, 22.8.1993 and 15.7.1998, respectively..

⁶⁶. Substituted, for the figure and signs “500” under Notification mentioned above against foot note No. 64.

⁶⁷. Added, *ibid*.

68. 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.

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.
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. 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 filling of an Affidavit.

(2) The complaint if it is not by a Court shall also be accompanied by a receipt of Rs 10/- 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 complaint 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 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 complaint 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 ⁶⁹[Secretary] at least 7 days before the date of the hearing

⁶⁹. See foot note No.3.

fixed by the Tribunal, and the ⁶⁹[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 ⁶⁹[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 the 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.

^{69a}[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 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].

^{69a} 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”.

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 ⁷⁰ [33 ⅓] % 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 ⁷¹[or Vice-Chairman] with the ⁷²[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 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.

⁷⁰ 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.

⁷¹ 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.

⁷² See foot note No .3.

- (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 ⁷³ [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 ⁷⁴ [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.
- 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 authorize expenditure through a supplementary budget.

⁷³

See foot note No. 3.

⁷⁴

See foot note No. 3.

CHAPTER XII

CANONS OF PROFESSIONAL CONDUCT AND ETIQUETTE OF ADVOCATE.

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 therefore; 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 practise, 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, as 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 wining 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 protest 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 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 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.

^{74a}[174-A. No Advocate will use this 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 letter-heads, name plates, sign boards, visiting cards or in any form during the period of his practise as an Advocate at any time].

^{74b}[174-B. No Advocate shall display outside his office or anywhere else his name on the nameplate or Board of the size of more than 1’ ½ * 2’].

^{74c}[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

^{74a}. Added vide Notification published in the Gazette of Pakistan, Extra (Part II) December 31, 1989.

^{74b}. Added vide Notification published in the Gazette of Pakistan, Extra (Part II), January 7, 1992.

^{74c}. The present text was substituted for the following originally framed Rule 175, vide Notification published in the Gazette of Pakistan, Extra (Part II), July 15, 1998.

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].

⁷⁵[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].

CHAPTER XIII

MISCELLANEOUS

⁷⁶[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.300/- as conveyance allowance. If a member travels by road he will be entitled to Rupee three per kilometre].

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. ⁷⁷[1500/-] per day for the days of a meeting so attended by him;

“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”.

⁷⁵. Added, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

⁷⁶. The original Rule 176 reads as under:-

“176. Member 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. Member 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 member travels by road Rupee one per kilometre”.

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 kilometre”.

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

⁷⁷. Originally the figure “100” was provided in clauses (a) and (d) of Rule 177.

(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 the 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 Rs.⁷⁸[1500/-].

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 he is absent.

(d) the resignation despatched 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.

It was successively amended substituting figures "100", "200", "300", "600", "750", "1000" and "1500" vide Notification 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 and 20.8.1997.

⁷⁸. See foot note No. 77.

(c) All advocates appearing before the Bar Council or before any Tribunal or Committee of a Bar Council except the Advocate-General of Advocate appearing on his behalf shall file a power of Attorney with a deposit of Rs.5/- to be paid to the ⁷⁹[Secretary] of the Bar Council.

180. All money 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 ⁷⁹[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.

⁸⁰[(d) send to the Pakistan Bar Council a quarterly report having 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 Courts;

(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.

⁷⁹. See foot note No. 3

⁷⁹. See foot note No. 3

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

- (3) Every direction or instruction issued by the Pakistan Bar Council shall be laid before the Provincial Bar Council and shall be complied by it.

⁸¹[185. The Pakistan Bar Council, may by a resolution, passed by it in its meeting, suspend wholly or partly, any Rule for such period and subject to such conditions, as it may deem fit and expedient].

Form 'A'
[See Rule 107 (I) (b)]

Photograph

To

The Chairman,
Pakistan Bar Council,
Islamabad.

Sir,

Please enroll me as an Advocate of the Supreme Court of Pakistan. My particulars are as under:-

1. Name. _____
2. Date of Birth. _____
3. Father's/Husband's Name. _____
4. Nationality. _____
5. Date of Enrolment as an Advocate. _____
6. Date of enrolment as an Advocate of High Court along with its name. _____
7. Name of the Provincial Bar Council on the roll of which the applicant is enrolled as an Advocate of the High Court. _____

⁸¹. Added with effect from 19.3.1978. as per Notification published in the Gazette of Pakistan, Extra (Part II), March 19, 1978.

8. The number in the Provincial Roll of the Advocates of the High Court. _____
9. The number in the common roll of the Advocates of the High Court, Prepared by the Pakistan Bar Council. _____
10. Whether the applicant satisfies all the conditions Laid down by the Supreme Court of Pakistan in Respect of the persons entitled to appear and Plead before the Supreme Court. _____
11. Whether the applicant has deposited the Enrolment Fee with the Pakistan Bar Council, Please give The date, amount and receipt No. _____
12. The name of the Bar Association of Which the applicant is a member. _____
13.
 - a) Whether the applicant has been in the service of Government or of a statutory corporation, if so, the date of joining and leaving the service and the reasons for going out of service along with the certificate of the employer. _____
 - b) Whether any disciplinary action Of warning, demotion, suspension Or dismissal was ever taken against Him during the tenure of his service And the result thereof along with the certificate of the order. _____
 - c) Whether any criminal case was registered against the applicant during the tenure of his service, if so, the result thereof alongwith certified copy of the order. _____
14. Whether the applicant has been Convicted of any offence, if so, date And particulars thereof. _____
15. Whether an earlier application for Enrolment of the applicant has previously Been rejected by the Bar Council. _____

Dated:

Signatures of the Applicant: _____

Address: _____

This application form 'A' shall be accompanied by the following documents:-

1. Two passport size photographs of the applicant attested by the President/Secretary of the Bar Association or Member of a Bar Council.
2. A fresh dated Certificate, in original, from the High Court as to applicant's being a fit and proper person to appear and plead as an Advocate of the Supreme Court together with its photocopy. In case there is gap between dates of issuance of the fitness Certificate and submission of his enrolment application to the Pakistan Bar Council he is to explain reasons thereof separately.
3. An attested affidavit stating that contents of the application are true & correct and that the applicant is eligible and not disqualified, in any manner, for enrolment and to practise as an Advocate of the Supreme Court and that neither he was ever found guilty or professional or other misconduct nor any such case against him is pending before any Bar Council.
4. A Certificate from the Provincial Bar Council to the effect that:-
 - a) the applicant is an enrolled Advocate of the High Court having ten year standing as such and that his name is still borne on the Roll of Advocates of the High Court maintained by the Provincial Bar Council concerned;
 - b) the applicant is not in arrears of dues of the concerned Provincial Bar Council; and
 - c) neither proceedings for professional or other misconduct are pending against the applicant nor he had never been found guilty of professional or other misconduct.
5. A Certificate regarding clearance of dues from the Bar Association of which the applicant is a Member.

6. Complete and up-to-date, year wise, list of the reported/unreported & decided/pending cases conducted by the applicant in the High Court in accordance with the prescribed Performa (along with five extra copies), which should not include cases of misc. nature. The list of reported cases is to be prepared and submitted separately which should include at least his ten reported cases with copies of judgments, which the applicant thinks as his best cases.
7. Deposit slip of enrolment fee of Rs. 10,000/- to be deposited in collection account of the Pakistan Bar Council with a designated branch of the Hibib Bank Limited on the prescribed deposit slips obtainable from the Habib Bank, Offices of the Pakistan Bar Council and Provincial Bar Councils.
8. A brief bio-data of the applicant which should also indicate his special educational qualifications, experience, Leg-1 Advisorships/offices and elected office held, if any, and the fact of his being an income tax assessee or other wise.
9. In case the applicant had been in service, a service certificate indicating also the duration of service with exact dates and reasons of leaving the service.

FORM 'B'
[See Rule 107 (2)]

To

The Chairman
Pakistan Bar Council,
Islamabad.

Sir,

Enroll me as a Senior Advocate of the Supreme Court of Pakistan. My Particulars are as under:-

1. Name. _____

2. Date of Birth. _____
3. Father's/Husband's Name. _____
4. Nationality. _____
5. Date of enrolment as an Advocate of the Supreme Court of Pakistan. _____
6. The number in the common roll of Advocates of the Supreme Court prepared By the Council. _____
7. Whether the applicant satisfies all the conditions laid down by the Supreme Court of Pakistan in respect of the persons entitled to appear and plead before the Supreme Court as a Senior Advocate. _____
8. Whether the applicant has deposited the Enrolment fee with the Pakistan Bar Council. Please give the amount and receipt number. _____
9. The name of the Bar Association of which the applicant is a member along with the clearance certificate of the dues of the Bar Association. _____
10. Whether an earlier application for enrolment Has been rejected by the Bar Council. _____

Dated:

Signature of the Applicant: _____

Address: _____

⁸²FORM 'C'
[See Rule 108 (c)]

(Certificate for permission to appear, act and plead as an advocates of the Supreme Court of Pakistan).

The Pakistan Bar Council hereby certifies that Mr.....
.....Resident of
.....
being an Advocate who satisfies all the conditions laid down by Rules framed by the Supreme Court of Pakistan has this.....
day of.....been admitted and enrolled as an Advocate of the Supreme Court of Pakistan. He is entitled to appear, plead and act as an Advocate of the Supreme Court of Pakistan subject to his signing the Roll of Advocates being maintained by the Supreme Court.

82. The present form 'C' was substituted, with effect from 30.7.1984, for the following originally prescribed Form vide Notification published in the Gazette of Pakistan, Extra (Part II), July 30, 1984:-

"FORM 'C'
[See Rule 108 (c)]

(Certificate for permission to appear, act and plead as an advocates of the Supreme Court of Pakistan).

The Pakistan Bar Council hereby certifies that
Mr.....
.....Resident of
.....
being an Advocate who satisfies all the conditions laid down by Rules framed by the Supreme Court of Pakistan has this.....day of
.....been admitted and enrolled as an Advocate of the Supreme Court of Pakistan. He is entitled to appear, plead and act as an Advocate of the Supreme Court of Pakistan.

Give under the common Seal of the Pakistan Bar Council this.....
Day of19.....

Seal

Secretary,
Pakistan Bar Council

Chairman
Pakistan Bar Council.

Give under the Common Seal of the Pakistan Bar Council this.....
Day of.....

Seal

Secretary,
Pakistan Bar Council,

Chairman,
Pakistan Bar Council.

FORM 'D'
[See Rule 108 (c)]

(Certificate for permission to appear, act and plead as a Senior Advocate of the Supreme Court of Pakistan.

The Pakistan Bar Council hereby certifies that

Mr.....S/o.....

Resident of.....

Being an Advocate of the Supreme Court of Pakistan who satisfies all the conditions laid down by Rules framed by the Supreme Court of Pakistan for the enrolment of Senior Advocate has this.....day of.....been admitted and enrolled as a Senior Advocate of the Supreme Court of Pakistan. He is entitled to appear, plead and act as such in the Supreme Court of Pakistan.

Give under the common Seal of the Pakistan Bar Council this.....day.....

Seal

Secretary,
Pakistan Bar Council.

Chairman,
Pakistan Bar Council.

⁸³FORM 'E'

83. The present form 'E' was substituted for the following originally prescribed Form, with effect from 22.6.1978, vide Notification published in the Gazette of Pakistan, Extra (Part III), June 12, 1978:-

FORM 'E'
[See Rule 109 (a)]

(Certificate for permission to appear, act and plead as an Advocate)

The.....Provincial Bar Council hereby certifies that
Mr/Miss/Mrs.....
Son/Daughter/wife of.....resident of.....
Has this.....day of

[See Rule 109 (a)]

(Certificate for permission to appear, act and plead as an Advocate)

The.....Provincial Bar Council hereby certifies that
Mr/Miss/Mrs.....
Son/Daughter/wife of.....resident of.....
Has this.....day of
Been admitted and enrolled as An Advocate on the roll of this Bar Council. He/She is entitled to
appear, act and plead as an Advocate till 31st day of
December.....before any Court or Tribunal in the
Province/Provinces of.....except High Court and the Supreme Court of
Pakistan.

Given under the common Seal of the Provincial Bar Council this.....day
of.....

Seal

Secretary,
.....Bar Council.

Chairman,
.....Bar Council.

Been admitted and enrolled as An Advocate on the roll of this Bar Council. He/She is entitled to appear, act and
plead as an Advocate till 31st day of December.....before any Court or Tribunal in the Province as
well as other Provinces of Pakistan except the High Court.

Given under the common Seal of the Provincial Bar Council this..... day
of.....

Seal

Secretary,
.....Bar Council.

Chairman,
.....Bar Council.

⁸⁴FORM 'F'
[See Rule 109 (109(b))]

(Certificate for permission to appear, act and plead as an Advocate of the High Court).

The.....

Provincial Bar council hereby certifies that Mr/Miss/Mrs.....

.....

son/daughter/wife of.....

who is enrolled as an Advocate of this Bar council has now been admitted as an Advocate of.....High Court. He is entitled to appear, act and plead before any Court or Tribunal in Pakistan except the Supreme Court of Pakistan.

⁸⁴. The present Form 'F' was substituted, with effect from 22.6.1978, for the following originally prescribed Form vide Notification published in the Gazette of Pakistan, Extra (Part II), June 12, 1978.

FORM 'F'
[See Rule 109 (109(b))]

(Certificate for permission to appear, act and plead as an Advocate of the High Court).

The.....

Provincial Bar council hereby certifies that Mr/Miss/Mrs.....

.....

son/daughter/wife of..... who

is enrolled as an Advocate of this Bar council has now been admitted as an Advocate of.....High Court. He is entitled to appear, act and plead beforeHigh Court.

Given under the Common Seal of theBar Council this.....day of

.....

Seal

Secretary,
.....Bar Council.

Chairman
.....Bar Council.

Given under the Common Seal of theBar Council
this.....day of

Seal

Secretary,
.....Bar Council.

Chairman
.....Bar Council.

FORM 'G'
[See Rule 131 (a)]

Folio No

Cash/Bank Book

Receipts

Payments

Date	Vr. No.	Particulars	Lf.	Cash	Bank	Bank	Bank	Date	Vr. No.	Particulars	Lf.	Cash	Bank	Bank	Bank
------	---------	-------------	-----	------	------	------	------	------	---------	-------------	-----	------	------	------	------

FORM 'H'
[See Rule 132 (b)]

In come and Expenditure Account for the year ended.....

Expenditure	Income
-------------	--------

Salaries	Rs.	Enrolment Fee	Rs.
Printing and Stationery		Annual Fee	
Books and Periodicals		Fee for permission to practise in	

Postage, Telegram and Telephone

Bank Charges

Entertainment

Travelling and Conveyance

Electricity

Audit fee

Rent

Miscellaneous Expenses

Repairs and Maintenance

Depreciation

.....

.....

High Court.

Fee for permission to practise as

Advocate Supreme Court.

Fee for permission to practise as

Senior Advocate Supreme Court

Other Fees

Interest earned

Miscellaneous Income

.....

.....

EXCESS OF INCOME OVER
EXPENDITURE

EXCESS OF EXPENDITURE
OVER INCOME

Balance Sheet as at.....

Funds & Liabilities		Properties & Assets	
	Rs.		Rs.
FUNDS		FIXED ASSETS	
Opening Balance		(As per schedule annexed)	
Add Excess of income over Expenditure for the year		At Cost	
		Less: Accumulated Depreciation	
CURRENT LIABILITIES		INVESTMENTS	
For expenses		CURRENT ASSETS	
For Goods		Advances, Deposits and Prepayments	
For other Finance			
		CASH	
		With Banks in current account	
		With banks in Saving Bank account	
		With Banks in Fixed Deposit Account	
		In hand	

N.B.- These forms may be modified at any time to conform with best accepted accounting practises.

PAKISTAN BAR COUNCIL

NOTIFICATION

19th November, 1978

S.R.O 1319 (1)/78.- In exercise of the powers conferred by Sections 13. (i), 26 (d) and 55 (q) of the Legal Practitioners & Bar Councils Act, 1973 (XXXV of 1973) and all other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following Rules.

THE PAKISTAN BAR COUNCIL LEGAL EDUCATION RULES, 1978.

CHAPTER 1 PRELIMINARY

1. (i) These rules may be called the “Pakistan Bar Council Legal Education Rules, 1978”
- (ii) They shall come into force with effect from 21st October, 1979.

Provided that the admissions held before *[1st September, 1992] shall be governed by the practise and Rules as before.

2. In these rules unless there is anything repugnant in the subject context-
 - (a) “Act” means the Legal Practitioners and Bar Council Act, 1973 (XXXV of 1973).
 - (b) “Section” means a Section of the Act.
 - (c) “University” means *[a] University established by law in Pakistan and having a faculty of law.

CHAPTER II LEGAL EDUCATION

3. (a) Graduates with law as optional subject *[shall] be preferred for admission to *[LL.B (Part-1);

*[Provided that the Universities should introduce law as optional subject in B.A Courses]
- (b) *[Admission to LL.B. (Part-1) shall be on merits].
- (c) Subject to the provisions of sub-rules (a) and (b) above, 10 percent seats in a College shall be reserved for the sons/daughters of Advocates who shall compete for admission in the order of merit *inter se*.
- (d) A candidate is not eligible for admission to *[a law] course if:-

-
- (i) he had been convicted of an offence involving moral turpitude.
 - (ii) *[he has been dismissed or removed from service of Government, any local Authority or institution incorporated by the Government under any statute for corruption or misconduct].

4. NUMBER OF STUDENTS:

A Section of a Class in a Law College and/or a Faculty of Law shall comprise of not more than 100 students.

5. DURATION OF COURSE:

- (a) *[The duration for the course of LL.B. shall be not less than 3 years].
- (b) ** [Deleted]
- (c) ** [Deleted]

6. Syllabus:

*[The syllabus for the LL.B Examinations shall include the subjects prescribed and set out in the schedule hereunder].

7. STAFF:

- (1) *[Part-time teachers should possess the following qualifications:-

LL.B. or Barrister-at-Law or equivalent qualification with five years standing at the Bar;

Or

LL.M. Ph.D. or equivalent qualification or other higher qualification as may be prescribed].

- (2) The * [...] teacher shall be governed by the terms and conditions of service prescribed in this behalf by the respective Universities.

8. LIBRARY:

*[A Law College or Faculty of Law shall have a Library of its own of not less than 5000 standard Law books covering all the statutes Federal and Provincial].

9. MEDIUM OF INSTRUCTION:

**[Deleted]

10. CLASS HOURS:

**[Deleted]

11. ATTENDANCE:

*[The minimum attendance percentage for students shall be 75 percent].

12. EXAMINERS:

**[Deleted]

13. PASS PERCENTAGE:

- (a) The pass percentage shall be 40 percent in individual papers and 50 percent in aggregate.
- (b) There shall be only two Divisions- Ist and 2nd. Those who obtain 60 percent or more marks shall be placed in 1st Division.

14. EXAMINATIONS:

- (A) *[Only failed candidates and those placed in compartment shall be allowed to avail of the Supplementary Examination. However, a student placed in compartment shall not be permitted in the next University higher examination without having passed all the papers in which he had failed].
- (B) One who fails thrice in an Examination shall be debarred from appearing in further examination.

Provided that if a student fails to appear at an examination within 3 years after completing his terms, he shall not be allowed to appear in the examination.

CHAPTER III INSPECTION

15. Board of Studies and Faculties of Law, etc.

- (a) The Pakistan Bar Council and the Provincial Bar Councils shall be given adequate representation on the Board of Studies. Faculties of Law, Board of Governors and other organizations set up for governing the Law Colleges and/ or Faculties of Law.
- (b) All the Law Colleges and/or the Faculties of Law where Legal education is imparted shall be inspected by such inspection terms that may be appointed in this behalf by the Pakistan Bar council.
- (c) *[The inspection tams so appointed by the Pakistan Bar Council shall comprise of Members of the Pakistan Bar Council, a judge of the High Court and two Principals/Professors/Associate Professors of Law from the University.
- (d) The Teams so appointed may inspect teaching and general working of all the Law Colleges and/or Faculties of Law where teaching is imparted to ensure the compliance with these rules.

-
- (e) The Pakistan Bar Council may in the event of any of these rules not being complied with by a college or University, may after giving due opportunity to show cause, de-recognise the degree of such University.

CHAPTER IV

16. The Pakistan Bar Council may in consultation with the Provincial Bar Council and the various Universities amend and/or add to these rules as and when expedient.

SCHEDULE

LL.B.(Part-1)

- PAPER I** ¹[ENGLISH] JURISPRUDENC.
- PAPER II** LAW OF CONTRACT:
²
- PAPER III** ISLAMIC JURISPRUDENCE.
- PAPER IV** LAW OF TORTS AND EASEMENTS:
- PAPER V** CRIMINAL LAW:

²[(1) General Principle
(2) The Pakistan Penal Code, 1860.
(3) Hadood Ordinance].
- PAPER VI** CONSTITUTIONAL LAW-1

²[(1) The British Constitution.
(2) The U.S. Constitution.

LL.B. (Part-II)

- PAPER I** CONSTITUTIONAL LAW-II;
²[(1) Constitutional History of Pakistan;
Constitution of Pakistan].
- PAPER II** EQUITY:
(1) Principles of Equity
(2) The Trusts Act, 1882.
(3) The Specific Relief Act.
- PAPER III** MERCANTILE LAW:

(1) The Companies Ordinance, 1984.
(2) The Negotiable Instruments Act, 1881.
(3) The Partnership Act, 1932.

PAPER IV LAW OF TRANSFER OF PROPERTY:

- (1) The Transfer of Property Act, 1882.
- (2) The Registration Act, 1908.
- (3) The Succession Act, 1925.
- (4) The Land Acquisition Act, 1894.

PAPER V ISLAMIC PERSONAL LAW:

- ²[(1) Muslim Personal Law and relevant enactments/ Quranic verses.
- (2) Islamic Pre-emption Laws.
- (3) The Guardian and Wards Act, 1890.

PAPER VI INTERNATIONAL LAW:

- (1) Public International Law
- (2) Private International Law (Conflict of Laws).

PAPER VII SPECIAL AND LOCAL LAWS:

- ¹[(1) West Pakistan Land Revenue Act, 1967.
(as adopted in respective Provinces).
- (2) Tenancy Act.

LL.B. (Part-III)

PAPER 1 CIVIL PROCEDURE:

- ¹[(1) The Civil Procedure Code, 1908.
- (2) The Limitation Act, 1908].

PAPER II CRIMINAL PROCEDURE:

- ¹[(1) The Code of Criminal Procedure, 1898.
- (2) Medical Jurisprudence (Autopsy and injuries).

PAPER III LAW OF EVIDENCE:

- (1) Qanoon-e-Shahadat ²[Order], 1984.
- (2) ²[Elements of Legal Ethics].

PAPER IV CONVEYANCING AND PLEADINGS;

- ¹[(1) Conveyancing
- (2) Pleadings
- (3) Interpretation of Statutes.
(General Clauses Act, Sections 6,16,21 & 26 and selected topics)]

PAPER V ¹[ADMINISTRATIVE LAW:

- (1) Principles of Administrative Law.
- (2) Administrative Tribunals;
- (3) Laws of Civil Service].

PAPER VI MINOR ACTS:

- ¹[(1) The Stamp Act, 1899.
- (2) The Suits Valuation Act, 1887.
- (3) The Court Fees Act, 1870.
- (4) The Arbitration Act, 1940.
- (5) Urban Rent Law].

PAPER VII LABOUR AND TAXATION LAWS:

(A) Labour Laws;

- (i) Workmen Compensation Act, 1923.
- (ii) W.P. Standing Orders, 1968.
- (iii) Industrial Relations Ordinance, 1969.

(B) Taxation Laws:
Income Tax Ordinance, 1979

NOTE:

A Course of lectures on Legal Ethics and Medical Jurisprudence shall be compulsory for the final year students.

¹AFFILIATION OF LAW COLLEGES RULES

Whereas the rules of different Universities in the country imparting legal education regarding affiliation of private and government law colleges, presently in vogue, are not uniform and instead vary from each other;

And whereas the mushroom growth of private law colleges is causing deterioration of the standard of legal education;

And whereas it is imperative to have strict control and check on the law colleges for improving the standard and quality of the legal education.

And whereas it is expedient to create uniformity in Rules of affiliation of all the Universities imparting Legal education.

Therefore, the Pakistan Bar Council hereby propose the following Rules for adoption by all the Universities of Pakistan imparting legal education:

AFFILIATION OF LAW COLLEGES RULES

1. Name & Commencement:

- (1) These rules may be called the “Affiliation of Law Colleges Rules”.
- (2) They shall come into force at once and will also be applicable to all law colleges affiliated or to be affiliated.

2. Definitions:

- (a) “Act” means the Legal Practitioners & Bar Councils Act, 1973.
- (b) “Council” means the Pakistan Bar Council.
- (c) “Rules” means the Pakistan Bar Council Legal Education Rules, 1978.
- (d) “College” means the Law College affiliated with a University.
- (e) “University” means the University, having the Faculty of Law, established under a statute and recognized by the Pakistan Bar Council.

3. Ownership: The ownership of the College with all its assets shall vest in a body corporate and not in any individual. No change in ownership of the body corporate will be permissible after affiliation without prior approval of the University.

4. Security: The applicant shall prior to enrolling and admitting students shall deposit a sum of Rs. One Million with the concerned University as security. This amount shall be invested by the University in the Bonds and Securities and the profit earned thereon shall be equally divisible amongst University and the applicant.

Provided that the applicant shall not be entitled to withdraw any amount out of its profit and the same shall be added to the security amount of the applicant.

Provided further that the security amount shall be raised by 5% annually for the new applicants after the adoption of these rules.

Provided also that the security shall be refundable to the owner on the closure of the college with the approval of the University after deduction of the dues of the University, if any.

5. Building: The College shall be located in a spacious, separate and independent building on a plot of at least 2000 sq. Yards, without any other institution or person sharing the premises.

6. Class rooms etc. The College shall have at least three class rooms with one having seating capacity of 150 or more students, a common room, a ladies room and a separate staff room.

7. Canteen & first aid facilities: The college shall have adequate canteen, toilets and first aid facilities.

8. Qualification of Principal of Private Law College: The qualification of a Principal of a private Law College shall be Master's Degree in law from a recognized University with at least 10 years teaching experience or a Bachelor's Degree in Law with 15 years teaching experience.

9. Whole time Teachers: There shall be at least two whole time teachers with academic qualifications and experience as prescribed by the University.

Provided that the whole time teachers shall deliver at least 25% of the total lectures delivered during the academic year.

10. Qualification of Part – time teachers: The part – time teacher should have the qualification and experience prescribed by the Rules. The number of lectures delivered per week by a part – time teacher shall not exceed eight.

11. Number of Lectures: The College shall ensure that each class receives at least as many lectures per week as are prescribed by the University. In the absence of such regulation of the University each class shall receive at least 18 regular lectures per week including one tutorial session.

12. Days of Classes: Classes shall be held six days a week and the academic year shall not be less than that of the University.

13. Library: The College Library should provide facilities for at least 20 percent of the total number of students on the rolls.

14. Number of Books in Library: Initially books worth not less than Rs. 5,00,000/- will be acquired for the College Library. Thereafter at least Rs.60,000/- shall be allocated annually for acquisition of books for the Library.

15. Subscription of Law Journals: The Library will subscribe to at least two reputable foreign Law Journals or access to inter-net and acquire at least one set of all Law Reports published in Pakistan.

16. Book Bank: The College shall establish a Book Bank to provide for the prescribed textbooks.

17. Qualification of Librarian: The Librarian of the College Library should be qualified and paid according to the University Regulations.

18. Seating in classroom: Seating in classes will be provided for 100 percent of the students allocated to the class.

19. Number of Students in a classroom: There shall not be more than 100 students in a class.

Provided that the University shall regulate the number of classes/sections in the College keeping in view the facilities available.

20. Timing of Classes: The College shall have morning classes. Colleges will not be allowed to have evening classes only. There shall not be any afternoon class.

21. Admission percentage of students to evening classes: The total number of students in LL.B. parts I, II and III in evening classes shall not exceed 50 percent of the students admitted in the morning classes.

Provided that the Colleges shall ensure that the evening classes shall be displayed with in a period of 6 years.

22. Attendance record: An authenticated Attendance Record of all students shall be redisplayed on the Notice Board in the first week of every succeeding month in accumulative form and a copy of the same shall be sent to the University by 15th of every month.

23. College record: College record shall be removed from the College premises and shall remain available for inspection at all reasonable time by the University.

24. Fee Concession: The College shall make available full fee concession to at least five percent and half fee concession to at least ten percent of the enrolled students.

25. Period of affiliation: The affiliation shall initially be for a period of three years. The affiliation of the college complying with the regulations of affiliation or such other regulations as may from time to time, be prescribed, shall be extendable for further successive period of three years.

26. Inspection: There shall be at least one inspection every academic year, of the Law College by Inspection Committee comprising of Dean, Faculty of Law (in the absence of Dean Faculty of Law Principal of Law College of the concerned university) as its Chairman, Governor Board of studies in Law, Principal/Dean of University Law College from another province, a representative of University Grants Commission, a Member of the Pakistan Bar Council and a Member of the concerned Provincial Bar Council.

27. De-affiliation and forfeiture of security: The University on receipt of an adverse report from the Inspection Committee, may de-affiliate the College or impose fine not exceeding one hundred thousand after due notice and opportunity of hearing. The University may also forfeit the security or any part thereof in case of serious contravention of the rules.

28. Nominee on Governing Body: The Governing Body of the College shall also have a sitting or forme Judge of the High Court nominated by the University syndicate.

29. Standard of legal education: The standard of legal education shall be laid down by the Pakistan Bar Council in consultation with University Grants Commission, the Universities and Provincial Bar Councils. The directions issued by it in this behalf shall be complied with and followed.

30. Accounts: Every college shall maintain a Bank Account with a scheduled Bank and its accounts shall be audited every year.

PAKISTAN BAR COUNCIL
Rawalpindi, the 15th February, 1987.

S.R.O. 135 (1)/87. In exercise of the powers conferred by Section 55 read with Section 13 of the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), and all other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following Rules:

THE PAKISTAN BAR COUNCIL APPEAL RULES, 1986

1. Name & Commencement:

- (i) These Rules may be called the “Pakistan Bar Council Appeal Rules, 1986”.
- (ii) They shall come into force at once.

2. Definitions:

In these Rules unless there is anything repugnant in the subject and context:-

- (i) “Chairman” means the Chairman of the Appeal Committee.
- (ii) “Committee” means an Appeal Committee for the respective province constituted by the Pakistan Bar Council.
- (iii) “Provincial Bar Council” means a Bar Council of the respective province constituted under the Legal Practitioners & Bar Councils Act, 1973.
- (iv) “Executive Committee” means an Executive Committee of a Provincial Bar Council constituted by the Provincial Bar Council concerned.
- (v) The terms, words and phrases not defined herein above shall wherever the context so permits have the same meanings as assigned to them under the Legal Practitioners and Bar councils Act, 1973 (XXXV of 1973).

3. Constitution of Appeal Committees:

- (i) The Pakistan Bar Council shall constitute for each province one or more Appeal Committees from amongst its members consisting of not less than three members and not more than five members.
- (ii) The term of every Committee shall be the same as that of the Pakistan Bar Council itself unless the Bar Council when constituting the Committee provides otherwise.
- (iii) The Pakistan Bar Council shall elect a Chairman of each Committee from amongst members of each Committee constituted by it.
- (iv) The Quorum of the meeting of the Committee shall be one half of the total number of members of the Committee.

4. **MANNER OF FILING APPEALS:**

-
- (i) An appeal against an order or decision of a Provincial Bar Council or an Executive Committee of Provincial Bar Council shall be filed with the Chairman of the respective Committee either personally or through recognised agent or through registered post.
 - (ii) Every Memorandum of Appeal shall be accompanied by a certified copy of the order or decision appealed against. If the certified copy of the order or decision appealed against is not made available to the appellant he shall furnish an affidavit duly sworn by him in this behalf.
 - (iii) Every such appeal shall be accompanied by a deposit receipt of Rs. ¹[1000/-] to be deposited in the collection account of the Pakistan Bar Council.
 - (iv) The appellant shall submit alongwith his memorandum of appeal all the documents he wishes to produce in support of his appeal alongwith affidavits of witnesses if any.

5. **FUNCTIONS OF THE APPEAL COMMITTEE:**

- (i) The Appeal shall normally be laid before the Committee within ¹[fifteen] days ²[of receipt of an Appeal] for admission of the appeal and grant of interim relief if prayed for.
³ [Provided that the Chairman may in appropriate cases grant the interim relief and his order shall be placed before the Committee for approval in its next meeting].

- ⁴[(ii) For the admission of appeal and grant of interim relief it shall not be necessary to call a meeting of the Committee and it will be sufficient if the appeal is circulated amongst the members of the Committee.

Every order or decision of the Committee shall be taken by majority].

- ⁴[(iii) The Appeal Committee shall hear the appeal, examine the record of the case, and record such evidence as it may deem necessary after providing opportunity of hearing to the parties. The Appeal Committee shall decide the Appeal within two months and its decision shall be deemed to be the decision of the Pakistan Bar Council].

- (iv) The decision of the Appeal Committee shall be communicated to the parties.

6. ⁵[Deleted].

**PAKISTAN BAR COUNCIL
NOTIFICATION
September 8,1999**

S.R.O. 1095 (1)/99.- Whereas it is expedient and necessary to make changes in the “Pakistan Bar Council Free Legal Aid Scheme, 1988” and to improve the same with the objective of providing free legal aid to indigent litigants, the Pakistan Bar Council, in exercise of its powers conferred by Section 13 (1) (la) and (n) of the Legal Practitioners & Bar Councils Act 1973. (Act XXXV of 1973) and all other enabling provisions in this behalf, hereby makes the following Rules:-

PAKISTAN BAR COUNCIL FREE LEGAL AID RULES

1. Name and commencement:

- (a) These Rules shall be called as “The Pakistan Bar Council Free Legal Aid Rules, 1999.
- (b) They shall come into force at once.

2. Definitions:

In these Rules unless there is anything repugnant in the subject or context:

- (1) “Act” means the Legal Practitioners & Bar Councils Act, 1973.
- (2) “Poor”, “destitute”, “orphan”, “widow”, “indigent” and “deserving” means a person who is entitled to Zakat or his financial position and income resources are not sufficient to bear the expenses for engaging an Advocate to prosecute, defend and protect his legal rights in genuine litigation.
- (3) “Central Committee” means a Committee constituted under Rule 5.
- (4) “Provincial Committee” means a Committee constituted under Rule 6.
- (5) “District Committee” means a Committee constituted under Rule 7.
- (6) “Prescribed” means prescribed by these Rules.

3. Scope of the Rules:

- (a) These Rules shall provide free legal aid to the poor, destitute, orphan widows, indigent and other deserving litigants involved in the following categories of cases:-
 - (i) Accidents.
 - (ii) Succession Certificate.
 - (iii) Family Laws.
 - (iv) Ejectment.
 - (v) Illegal Detention.
 - (vi) Abuse of power and authority by the police, law enforcing agency and Executive.
 - (vii) Neglect of duties by Government departments, Local Councils/bodies and local authority/agency.
 - (viii) Public interest litigation.
 - (ix) Such other cases or category of cases as may be approved from time to time by the Central Committee.

4. Free Legal Aid Committees:

There shall be constituted the following Committees for the purposes of rendering free legal aid under these Rules:-

- (i) Pakistan Bar Council Central Free Legal Aid Committee;
- (ii) Pakistan Bar Council Provincial Free Legal Aid Committee for each Province; and
- (iii) Pakistan Bar Council District Free Legal Aid Committee for each District.

5. Central Free Legal Aid Committee:

- (a) This Committee shall consist of not more than five members of Pakistan Bar Council elected by it and having at least one member from each Province of Pakistan. The Committee as constituted at present shall continue for the remaining term of the sitting Pakistan Bar Council.
- (b) It shall provide free legal aid to a deserving person or a litigant in the Supreme Court or any Tribunal, Authority and/or a Court functioning at federal level including the Wafaqi Mohtasib.
- (c) The term of office of this Committee shall be co-extensive with the term of the Pakistan Bar Council electing the Committee.
- (d) The members of the Committee shall elect one of its elected members to be the Chairman of the Committee.
- (e) The decision of the Committee shall be taken by majority and the quorum of the Committee meetings shall be one third of the members.
- (f)
 - (i) The Chairman may authorize one of Members of the Committee to receive an application for free legal aid at each registry of the Supreme Court and deal with and decide the same in consultation with him.
 - (ii) The funds of the Pakistan Free Legal Aid Committee shall be deposited in a separate Bank account in a scheduled Bank to be approved by the Committee and the account shall be jointly operated by the Chairman of the Committee and the Secretary of the Pakistan Bar Council.
- (g) The Central Free Legal Aid Committee shall be in over all control of all its sub-committees and Committees of all Provinces and Districts in respect of distribution of free legal aid and may issue such directions, as it may deem fit, for implementation of the Rules subject to the policy laid down by the Pakistan Bar Council from time to time.

6. Pakistan Bar Council Provincial Free Legal Aid Committee:

- (a) In each Province of Pakistan there shall be constituted a Provincial Committee to be known as Pakistan Bar Council Provincial Free Legal Aid Committee for the Punjab Sindh. N.W.F.P and Baluchistan, as the case may be, and consisting of:-
 - (i) Not more than two members of the Pakistan Bar Council from the Province concerned to be nominated by the Pakistan Bar Council.
 - (ii) Not more than two members of the respective provincial Bar Council to be nominated by the Provincial Bar Council.

-
- (iii) President of the High Court Bar Association at the principal seat and Presidents of the respective High Court Bar Associations at Benches/Circuits of the High Court of the Province.
 - (b) The Provincial Committee shall provide free legal aid to a deserving person or a litigant in the respective High Court, Tribunal, Authority or Court functioning at the Provincial level including the Provincial Mohtasib.
 - (c) The term of each member of the Committee shall be co-extensive with the term of the office of such member by virtue of which he is on the Committee and in case of fresh elections for the said post or resignation from the said post or membership of the Committee, or in case the member is unable to or incapable of performing his duties of such office, or membership of the Committee, the seat shall be deemed to have fallen vacant and the vacancy shall be filled in by reference to the relevant provisions of Para 6(a) above.
 - (d) The Chairman of each Provincial Committee shall be nominated by the Pakistan Bar Council from amongst its Members. The Committee may co-opt the Secretary of the Provincial Bar Council or may elect any of its Members as Secretary.
 - (e) The decision of the Committee shall be taken by majority and one-third of its members shall form the quorum for its meeting.

However, in case of urgency, the Chairman will be competent to take a decision on receipt of an application subject to approval of the Committee in its subsequent meeting.

7. Pakistan Bar Council District Free Legal Aid Committee:

- (a) In each District of a Province there shall be constituted a District Committee to be known as the Pakistan Bar Council District Free Legal Aid Committee for the District concerned and consisting of:
 - (i) Not more than one member of the Provincial Bar Council from the District concerned to be nominated by the Provincial Bar Council.
 - (ii) President and Secretary of the District Bar Association, respectively, by virtue of office.
- (b) The District Committee shall provide free legal aid to a deserving person or a litigant in any Court or Tribunal or before any authority or court functioning at the District level.
- (c) The term of office of each member of the Committee shall be co-extensive with the term of office of such member by virtue of which he is on the Committee and in case of fresh elections for the said post or in case of resignation from the said post or from the Membership of the Committee or in case the Member is unable to or incapable of performing his duties of such office or membership of the

Committee, the seat shall be deemed to have fallen vacant and the vacancy shall be filled in by reference to the relevant provisions of Para 7(a) above.

- (d) The Member of Provincial Bar Council of the District concerned as nominated, shall be the Chairman of the District Committee whereas the Secretary of the concerned District Bar Association shall be the Secretary of the District Committee. In case of non-availability of Member of the Provincial Bar Council from the District concerned, the President of the District Bar Association will act as Chairman of the Committee.

Explanation

- (i) For Karachi, all the Districts of Karachi Division shall be deemed to be one District for the purposes of these Rules and the President and Secretary of Karachi Bar Association shall be the Member and the Secretary of the District Committee for Karachi.
- (ii) If there are more than one Secretary of any District Bar Association, the Senior Secretary shall be deemed to be the Secretary for the purpose of these Rules.
- (e) The decision of the Committee shall be taken by majority and one third of the members of the Committee shall form the quorum. In case of urgency, the Chairman of District Committee will, however, be authorized to take a decision on receipt of an application subject to approval of the Committee in its next meeting.

8. Application for Free Legal Aid and their disposal:

- (a) Any person desirous of free legal aid shall submit an application on the prescribed form to the appropriate Committee or Chairman/Member of the appropriate Committee so authorized and sub application shall be supported by an affidavit of the applicant and accompanied by the judgments/orders and other necessary documents providing him cause of action for or against the suit, appeal or proceedings in a court of law.
- (b) The application shall be decided by the respective or its Chairman/Member in the manner stated herein above as soon as possible and each Committee or its Chairman/Member shall be free to grant free legal aid as provided in the schedule hereto or a part thereof.
- (c) The free legal aid for professional fees will only be granted in case no Advocate is available to take up or conduct the case free of charge.
- (d) Each Committee shall maintain the following panels of lawyers practising within the area of its operation.

-
- (i) Lawyers voluntarily prepared to take up/conduct cases without charging any fee.
 - (ii) Lawyers prepared to take up/conduct cases on charging the fee or part thereof as set out in the schedule.
 - (iii) The above panels may be sub-divided category-wise according to choice of advocate concerned in respect of type of cases he would like to handle.
- (e) A Committee may request any advocate to conduct one case in a year free of charge.
- (f) Each Member of Pakistan Bar Council and Provincial Bar Councils may conduct at least one case in a year that may be assigned to him by a Free Legal Aid Committee.

9. Funds of Committee:

The funds of the Central Free Legal Aid Committee shall consist of:-

- (i) Funds allocated by the Pakistan Bar Council, the grants sanctioned by any Government, Local or other body or authority and voluntary contributions made by the Bar Councils, Bar Associations, Advocates, any other institution, Foundation, Trust, Organization or an individual.
- (ii) The funds of the Committee shall be spent and regulated as provided in these Rules and instructions issued by the Pakistan Bar Council from time to time.

10. Utilization of Funds:

- (1) The funds shall be controlled, utilized and disbursed only by the Central Committee for providing free legal aid in the manner and to the extent authorized under these Rules to cover any of the following type of expenses:-
- (i) Court fee, process fee, copying charges, diet money and conveyance of witness and/or all other charges payable in the Court or to the Tribunal or Authority concerned for initiating, prosecuting or defending the proceedings in the Court or before the Tribunal or Authority.
 - (ii) Professional fee payable to an advocate.
- (2) The Chairman, Central Free Legal Aid Committee shall be authorized to make payment of misc. expenses/court fee etc. and part payment of professional fee of an Advocate.
- (a) on receipt of a request/recommendation from a Provincial Committee or District Committee; and
 - (b) in appropriate cases fall under the domain of the Central Committee.

11. Control of Committees:

- (i) The Pakistan Bar Council may from time to time issue directions to the Central, Provincial and District Committees for the effective and smooth implementation of the Rules and such directions shall be binding upon them.
- (ii) These Rules may be amended from time to time by the Pakistan Bar Council.

12. Repeal:

- (1) The Free Legal Aid Scheme published under S.R.O. No. 135 (1) 88 dated 22nd February, 1988, is hereby rescinded and repealed.
- (2) The Rules of Guidance for Provincial Bar Councils to provide free legal aid as framed by the Pakistan Bar Council and published in Gazette of Pakistan, Extra Part-II, dated 29-12-1985, since have not been adhered to and implemented by the Provincial Bar Councils and therefore, the Pakistan Bar Council had launched /framed its own free legal aid scheme/Rules which have been put in operation, are hereby repealed.

SCHEDULE

1. FORM OF APPLICATION

[See Rule 8 (a)]

1. The Chairman
Pakistan Bar Council,
Central Free Legal Aid Committee,
Islamabad.
2. The Chairman,
Pakistan Bar Council,
Provincial Free Legal Aid Committee Punjab at Lahore/Sindh at
Karachi/N.W.F.P. at Peshawar/Baluchistan at Quetta.
3. The Chairman,
Pakistan Bar Council,
District Free Legal Aid Committee.

SUB: PROVISION OF FREE LEGAL AID

Dear Sir,

I, being very poor, hereby apply for free legal aid under the “Pakistan Bar Council Free Legal Aid Rules, 1999” for pursuing my case pending to be instituted/filed in the _____ Court. The nature and particulars of my case are detailed as under:-

-
1. _____

 2. _____

 3. _____

 4. _____

2. Copies of the relevant documents/orders/judgments, as detailed below, are enclosed.

1. _____

2. _____

3. _____

4. _____

5. _____

3. My other particulars are given below:

- (1) Name: _____
- (2) Father's Name: _____
- (3) I. D. Card: _____
- (4) Source of earning/ Livelihood: _____
- (5) Monthly Income from all sources: _____
- (6) Whether the applicant possess any _____
moveable/immoveable and/or other
property/assets, if yes, the particulars
and detail thereof.
- (7) If the applicant possess any property _____
assets, the reason of seeking, free legal aid.
- (8) Whether the applicant is liable to pay _____
Wealth Tax/Income Tax.

(9) Whether the applicant is entitled to _____
payment of Zakat.

I hereby state on solemn affirmation that the contents of my above application are true and correct. If any of the above mentioned particulars/facts are found incorrect or false. I shall be liable to pay to the Pakistan Bar Council all the expenses incur by it for providing me the free legal aid.

I also undertake that the cost, if any, awarded in my favour by the Court, shall accrue for the benefit of free legal aid funds of the Pakistan Bar Council.

Signature of the
Applicant/Deponent

Full Address.

II. Rate of Professional fees for conducting cases by Advocates.[See Rule 8 (b)].

1. CASES IN THE SUPREME COURT:

- | | |
|--------------------------|------------------------|
| (i) Advocate: | Maximum upto Rs.5000/- |
| (ii) Advocate on record: | Maximum upto Rs.1000/- |

2. CASES IN THE HIGH COURT:

- | | |
|----------------------------|------------------------|
| (i) Detention/Habeas/Bail: | Maximum upto Rs.2000/- |
| (ii) Regular Appeals/Writ: | Maximum upto Rs.3000/- |

3. CASES IN THE LOWER COURTS:

- | | |
|--------------|------------------------|
| (i) Bail: | Maximum upto Rs.2000/- |
| (ii) Others: | |

Sd/-

(Muhammad Naeem Goreja)
Vice Chairman

Sd/-

(Muhammad Arshad)
Secretary