

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS RULES, 1976

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PAKISTAN BAR COUNCIL

NOTIFICATION

Lahore, the 21st May, 1976

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

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS RULES, 1976

CHAPTER I

PRELIMINARY

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

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

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

CHAPTER II - ELECTIONS

PART-I DEFINITIONS

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

⁷[(a) "candidate" means:--

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

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

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

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

5. See foot note No. 4.

6. See foot note No. 4.

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

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

9. See foot note No. 7.

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

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

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

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

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

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

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

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

PART - II

ELECTION TO PROVINCIAL BAR COUNCILS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. Inserted, *ibid*.

25. Inserted, *ibid*.

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

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

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

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

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

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

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

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

²⁸[...]

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

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

26. See foot note No. 21.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁰[Omitted]

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

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

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

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

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

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

⁴³[PART-IIA

FILLING OF CASUAL VACANCIES]

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

PART-III

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

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

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

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

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

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

45. Added *ibid*.

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

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

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

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

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

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

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

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

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

(3) The letter of proposal shall be supported by documentary proof that the candidate is practicing generally in the Province from where he seeks election and possesses the qualifications as provided in Section 11A and shall be accompanied by a declaration by such candidate that he does not suffer from any disqualification as laid down in the Act and the Rules. The letter of proposal may relate to one candidate and shall be invalid if it relates to more than one. The Returning Officer or any other person specifically authorized by him in this behalf shall note on each proposal as soon as it is received, its number and the time and the date on which it is received.

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

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

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

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

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

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

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

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

48. Inserted *ibid*.

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

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

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

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

53. Substituted *ibid*.

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

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

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

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

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

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

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

(2) ⁵⁶[Deleted]

40. (1) The ballot papers shall be in such form as may be specified by the Returning Officer and the names of the contesting candidates shall be written on it in ⁵⁷[English].

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

41. The Returning Officer shall, for the purpose of conducting the election, appoint such number of Polling Officers to assist the Returning Officer as he may consider necessary.

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

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

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

54. Inserted *ibid*.

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

56. Deleted *ibid*.

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

43. The Returning Officer shall provide the Polling Officer with a list of voters of the area for which he has been appointed the Polling Officer.

- 44.** (i) The ballot boxes shall be such as may be provided by the Returning Officer.
- (ii) The Polling Officer shall ensure before the commencement of the poll that each box is empty and is properly sealed in the balloting position and placed before him prior to the receiving of ballot papers.

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

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

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

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

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

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

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

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

48. In giving his vote a voter--

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

58. Inserted, *ibid.*

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

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

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

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

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

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

(2) The Polling Officer shall--

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

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

61. Substituted for the word "Urdu" ibid.

(3) A ballot paper shall be invalid--

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

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

52. (1) The Returning Officer shall after giving notice to the contesting candidates as to the day, time and place, for the counting of votes, open the sealed packets received from the Polling Officers in the presence of such of the contesting candidates or their agents as may be present ⁶²[and shall count and credit the votes province-wise, in the manner hereinafter provided].

(2) The Returning Officer shall--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) If the total value of the unexhausted papers is greater than the surplus, the Returning Officer shall transfer each paper in each sub-parcel 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-parcel to the papers already belonging to such candidate.

(9) All papers in the parcel or sub-parcel 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-parcel 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-parcel a separate sub-parcel shall be made of the exhausted papers which shall be set aside at the value at which the excluded candidate obtained them.

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

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

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

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

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

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

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

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

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

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

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

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

⁶⁷[**60-B.** [Deleted].]

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

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

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

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

⁶⁸[PART-III A ... Deleted]

PART-IV

ELECTION TRIBUNALS

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

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

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

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

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

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

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

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

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

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

PART-V

ELECTION OF VICE-CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER III

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

84. Powers and duties of Chairman:

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

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

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

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

CHAPTER IV

COMMITTEES OF PAKISTAN BAR COUNCIL

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

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

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

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

(c) ⁷⁵[.....]

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

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

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

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

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

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

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

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

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

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

CHAPTER V

MEETINGS OF THE PAKISTAN BAR COUNCIL AND ITS COMMITTEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

82. See foot note No. 3.

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

CHAPTER VI

COMMON ROLL OF ADVOCATES

105. Preparation of the common roll of Advocates:

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

CHAPTER VII

ENROLMENT OF ADVOCATES OF THE SUPREME COURT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88. Added *ibid*.

89. Substituted *vide* Notification dated 6.6.1983.

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

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

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

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

⁹⁰[CHAPTER VIIA

ENROLMENT AND TRAINING OF ADVOCATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92. Re-numbered, *ibid.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94. Added vide Notification of PBC dated 8.11.2008.

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

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

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

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

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

CHAPTER VIII

FORMS AND FEES ETC. FOR ENROLMENT AS ADVOCATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IX

APPEALS AGAINST ENROLMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER X

DISCIPLINARY PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105. See foot note No. 3.

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

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

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

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

CHAPTER XI

FINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

109. See foot note No. 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

110. See foot note No. 3.

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

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

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

CHAPTER XII

CANONS OF PROFESSIONAL CONDUCT AND ETIQUETTE OF ADVOCATES

A – Conduct with regard to other Advocates:

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

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

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

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

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

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

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

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

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

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

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

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

B - Conduct with regard to Clients:

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

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

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

148. An advocate shall not represent conflicting interests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C - Duty to the Court:

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

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

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

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

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

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

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

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

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

D - Conduct with regard to the public generally:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114. Added, *vide* Notification dated 24.3.1979.

115. Added, *vide* Notification dated 18.2.2009.

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

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

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

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

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

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

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

CHAPTER XIII

MISCELLANEOUS

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

117. The original Rule 176 reads as under:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121. See foot note No. 3.

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

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

¹²³[**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.]

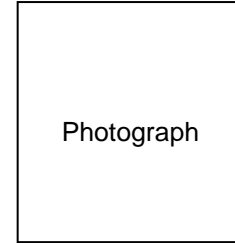
123. Added, with effect from 19.3.1978, as per Notification published in the Gazette of Pakistan, Extra (Part-II), March 19, 1978.

Form 'A'

[See Rule 107(1)(b)]

To,

The Chairman,
Pakistan Bar Council,
Islamabad.



Sir,

Please enrol 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. _____
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 employer. _____
- (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 photo copy. 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 separately the reasons thereof through his affidavit as per proviso to Rule 107(1)(c)(iii).
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 practice as an Advocate of the Supreme Court and that neither he was ever found guilty of 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 years 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 ever 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, duly signed, 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. 16,000/- to be deposited in collection account of the Pakistan Bar Council with a designated branch of the Habib 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, Legal Advisorships/offices and elected office held, if any, and the fact of his being an income tax assessee or otherwise.
 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.
 10. An undertaking that he will become Member of the Supreme Court Bar Association of Pakistan within six months of his enrolment as an Advocate of the Supreme Court.

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

To

The Chairman,
Pakistan Bar Council,
Islamabad.

Sir,

Please enrol 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 Bar 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:

Signatures of the Applicant: _____

Addresses: _____

¹²⁴FORM 'C'

[See Rule 108(c)]

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

The Pakistan Bar Council hereby certifies that Mr.
 s/o 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.

Given under the Common Seal of the Pakistan Bar Council this
 Day of

Seal

Secretary,
 Pakistan Bar Council

Chairman,
 Pakistan Bar Council

124. 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 Advocate of the Supreme Court of Pakistan)

The Pakistan Bar Council hereby certifies that Mr.
 S/O
 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 Council this
 day of 19

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.

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

Seal

Secretary,
Pakistan Bar Council

Chairman,
Pakistan Bar Council

125 **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 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 Courts and the Supreme Court of Pakistan.

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

Seal

Secretary,
..... Bar Council

Chairman,
..... Bar Council

125. 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 II), June 12, 1978:--

"FORM 'E'

[See Rule 109 (a)]

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

The Provincial Bar Council do hereby certifies that Mr./Miss/Mrs. son/daughter/wife of has this day of 19 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 December, 19 before any Court or Tribunal in this 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 19

Seal

Secretary,
..... Bar Council

Chairman,
..... Bar Council

¹²⁶FORM 'F'

[See Rule 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.

Given under the Common Seal of the Bar Council this
 day of 19

Secretary,
 Bar Council

Chairman
 Bar Council

126. 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(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 High Court.

Given under the common Seal of the Bar Council this day of 19

Seal

Secretary,
 Bar Council

Chairman
 Bar Council

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

Folio No.

Cash/Bank Book

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)]

Income and Expenditure Account for the year ended

Expenditure	Income
Rs.	Rs.
Salaries	Enrolment Fee
Printing and Stationery	Annual Fee
Books and Periodicals	Fee for permission to practice in
Postage, Telegram and Telephone	High Court
Bank Charges	Fee for permission to practice as
Entertainment	Advocate Supreme Court
Travelling and Conveyance	Fee for permission to practice as
Electricity	Senior Advocate Supreme Court
Audit fee	
Rent	Other fees
Miscellaneous Expenses	Interest earned
Repairs and Maintenance	Miscellaneous Income
Depreciation	
.....
.....
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 practices.
