

KHYBER PAKHTUNKHWA BAR COUNCIL

NOTIFICATION

Peshawar, Dated _____ 2010

No_____.- In exercise of the powers conferred by section 56 of the Legal Practitioners and Bar Council Act, 1973 (Act XXXV OF 1973), the Khyber Pakhtunkhwa Bar Council hereby makes the following rules, namely:

THE KHYBER PAKHTUNKHWA LEGAL PRACTITIONERS

AND

BAR COUNCIL RULES, 2010

CHAPTER 1

PRELIMINARY

1.(i) These rules may be called the Khyber Pakhtunkhwa Legal Practitioners and Bar Council Rules, 2010.

(ii) [*they*]* shall come into force at once. [word 'it' is substituted with 'they' vide Notification No 1096/KP/BC dated:17-8-2013]

2.(i) In these rules unless there is anything repugnant in the subject of context:-

- a) "Act" means the Legal Practitioners and Bar Councils Act, 1973 (Act XXXV of 1973);
- b) [*Advocate*] means an advocate whose name as such appears on the roll of Khyber PakhtunKhwa Bar Council under the provision of Act.]* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]
- c) "Bar Association" means a High Court, High Court Bench, District, Tehsil and sub divisional Bar Association recognized as such by the Bar Council under these rules;
- d) "Bar Council" means the Khyber Pakhtunkhwa Bar Council;
- e) "Chairman" means the Chairman of the Khyber Pakhtunkhwa Bar Council as provided in sub-section (2) of section 6 of the Act;
- f) "Committee" means a Committee constituted by the Bar Council under section 10 of the Act and include Committees constituted under rule 16 of these rules;
- g) [*Defaulter*] means an advocate against whom any dues of the Bar Council are outstanding.]* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]
- h) [*Dues*] means and includes any fee, Fund including Benevolent Fund, Contribution, fine and any money payable to the Bar Council by an advocate.]* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]
- i) "Form" means a Form appended to these rules;

- j) “Member” means a member of the Khyber PakhtunKhwa Bar Council elected as such under Section 5 or who fills the vacancy of an elected member under Section 16(b) of the Act. [Amended vide Notification No 1096/KP/BC dated:17-8-2013 original is “Member” means Member of the Bar Council but shall not include the Chairman thereof;]
- k) “Roll” means the roll of advocates prepared and maintained by Khyber PakhtunKhwa Bar Council.
- l) “Secretary” means a person appointed as Secretary of the Bar Council and includes any other persons to whom all or any of the function of the Secretary for the time being entrusted by the Chairman Executive Committee in consultation with Vice Chairman subject to approval of Bar Council;
- m) “Section” means a section of the Act;
- n) “Vice Chairman” means the Vice Chairman of the Bar Council;
- o) “Voter” means,-
- i. in relation to election to Bar Council, an Advocate whose name for the time being appears on the roll of group of districts, to whom an Identity Card has been issued by Bar Council and who is not in arrears of dues of Bar Council for a period exceeding 6 months; or
 - ii. in relation to election to Bar Associations, an Advocate whose name for the time being appears on the roll of Bar Council and on the roll of concerned Bar Association, to whom an Identity Card has been issued by Bar Council and who is not in arrears of dues of Bar Council or Bar Association as the case may be, for a period exceeding 6 months; and
- (ii) Words used but not defined herein shall wherever the context so permits have the same meaning as is assigned to them under the Act.

CHAPTER 2

MEETINGS OF THE BAR COUNCIL

3. The first meeting of the Bar Council shall be held within [fifteen (15) days]* from the commencement of newly elected members of the Bar Council. [word ‘One month’ is substituted with ‘fifteen days’ vide Notification No 1096/KP/BC dated:17-8-2013]
4. Meeting of the Bar Council shall be convened by the Vice Chairman or in case he/she is, for some reason unable to act, by a Member of the Bar Council nominated by the Vice Chairman:

Provided that not more than three months shall elapse between any two meetings of the Bar Council:

Provided further that a notice required for a meeting of the Bar Council shall be of fifteen (15) days, and be dully served either personally or through mail or by other method as the Bar Council may determine:

Provided also that in case of emergency the requisitioned meeting shall be convened within 7 days.

5. The Vice Chairman and in his absence the nominee of Vice Chairman shall convene a meeting of the Bar Council, requisitioned by at least one third of the total Members, with in fifteen days of the requisition:

Provided further that in case the requisitioned meeting is not convened within the prescribed time, [*all the requisitionists or their representative may call and convene the requisitioned meeting according to the procedure*]* and all expenses incurred in that behalf shall be borne by the Bar Council. *[Amended vide Notification No 1096/KP/BC dated:17-8-2013 original is 'any one of the requisitionists may convene the requisitioned meeting']

Provided further that in case of emergency notice for a shorter period shall be sufficient.

6. Quorum for a meeting of the Bar Council shall be one third ($1/3^{\text{rd}}$) of the total Members of the Bar Council:

Provided that where a meeting of the Bar Council cannot be held for want of quorum it shall stand adjourned to the next day when the quorum of the adjourned meeting shall be one fourth ($1/4^{\text{th}}$) of the total number of the Members.

7. A meeting of the Bar Council shall be presided over by the Vice Chairman. In his absence by the nominee of the Vice Chairman and in the absence of both by a Member voted to the chair by Members present:

Provided that in the aforesaid meeting if the Chairman is present, he may preside over the meeting.

8. Business at a meeting shall be transacted in accordance with agenda issued:

Provided that any other business may with the permission of the chair of the meeting be considered:

Provided further that if the chair does not allow such business to be considered the same shall be considered by the majority vote of the Members present in the meeting.

9. Decisions at any meeting shall be by a majority vote. Voting shall be by show of hands or otherwise. In the case of *[tie]**, the Chair of the meeting shall be entitled to *[cast]** vote. [words 'equality of votes' substituted with 'tie' & 'a Second' substituted with 'cast' vide Notification No 1096/KP/BC dated:17-8-2013]

*[Provided that the Chairman Bar Council (Advocate General) shall have no right of vote.]**[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

10. All proceedings and decisions of a meeting of the Bar Council shall be recorded by the Secretary under the directions of the Chair of the meeting and such minutes and decisions *[shall]** be entered in the Minutes Book to be maintained by the Secretary duly certified by the Chair. *[..]*** [',' is substituted with 'shall' and words ***of the meeting and the Secretary which will be available for inspection.**' Are deleted vide Notification No 1096/KP/BC dated:17-8-2013]

Provided that all the proceedings of the General Body meeting *[may]** be recorded by video. [word 'shall' substituted with 'may' vide Notification No 1096/KP/BC dated:17-8-2013]

11. Any matter determined by a resolution of the Bar Council shall not be re-opened within 3 months of the resolution.

CHAPTER 3

CHAIRMAN, VICE CHAIRMAN, CHAIRMAN EXECUTIVE AND SECRETARY

12. (i) The Advocate General, Khyber Pakhtunkhwa shall be the ex-officio Chairman of the Bar Council.
- (ii) The Chairman shall within *[fifteen (15) days from the commencement of newly elected members]**of Bar Council, fix date, time and place for the first meeting of Bar Council. [words 'one month of the declaration of the result of the election' substituted with 'fifteen days from the commencement of newly elected members' vide Notification No 1096/KP/BC dated:17-8-2013]
- (iii) Subject to sub-section (4) of section 6 of the Act, the Chairman in the first meeting of the Bar Council shall elect the Vice Chairman from amongst the elected Members of the Bar Council.
- (iv) The Chairman may accept the resignation tendered by the Vice Chairman *[in]** writing under his hand. [word 'by' is substituted with 'in' vide Notification No 1096/KP/BC dated:17-8-2013]

- (v) The Chairman has to perform the functions and duties assigned to him under the Act.
 - (vi) Where the office of the Vice Chairman becomes vacant, an election to the vacant office shall be held within *[15 days]**. [word '30 days of the office becoming vacant' substituted with '15 days' vide Notification No 1096/KP/BC dated:17-8-2013]
- 13.
- (i) The Vice Chairman shall be elected by the Members of the Bar Council from amongst themselves.
 - (ii) The Vice Chairman shall have the same responsibility and powers under the Act and Rules as delegated to him by the Bar Council.
 - (iii) He/She shall be ex-officio Member of every Committee constituted under these Rules and shall be responsible for coordinating.
 - (iv) He/She shall be responsible for realizing of all moneys due to the Bar Council and for the management, administration and utilization of fund of the Bar Council.
 - (v) He/She shall be responsible for preparation of the Budget annually through Secretary and Accountant of the Bar Council.
 - (vi) The Vice Chairman shall convene the meetings of the Bar Council.
 - (vii) He/ She shall have the powers to supervise & control the office of the Secretary, subject to the approval of Bar Council.
 - (viii) He/ She shall have the authority to give his opinion regarding disciplinary action to be taken against the employee of the Bar Council by the competent authority.
 - (ix) He/ She may be consulted by the appointing authority in respect of grant of leave without pay *[to an employee of Bar Council for period not exceeding six(6) months that may be subject to approval by the Bar Council.]** [words 'for such period as it may deem fit' with words 'to an employee of Bar Council for period not exceeding six(6) months that may be' vide Notification No 1096/KP/BC dated:17-8-2013]
- 14.
- (i) "Chairman Executive" means the Chairman of Executive Committee of the Bar Council.
 - (ii) He/She shall be the appointing authority / terminating authority of an employee of the Bar Council, subject to approval of the Bar Council.
 - (iii) He/She shall have the powers to supervise & control the office including Secretary and exercise such powers and functions as may be entrusted to him by Bar Council.
 - (iv) The Chairman Executive shall be the reporting Officer of an employee of Bar Council while the Vice Chairman shall be countersigning Officer of such employee.

15. (i) There shall be a Secretary of the Bar Council to be appointed by the Bar Council.
- (ii) The Secretary shall be the overall in-charge for running the affairs of Bar Council and shall supervise the affairs of the staff.
- (iii) *[He/she shall be responsible to execute all the orders passed by the Vice Chairman, Chairman Executive Committee and the Bar Council]*. [Amended vide Notification No 1096/KP/BC dated:17-8-2013]
- (iv) He/She shall maintain the office record, personal files of the employees and shall prepare the service books of the employees through relevant official & make entries in the service books duly [..]* signed by him. [words 'initiated and' deleted vide Notification No 1096/KP/BC dated:17-8-2013]
- (v) He/She shall convey the orders/ remarks, if any, by the Vice Chairman and Chairman Executive Committee to the concerned employee and shall make red entry to this effect under his signature.
- (vi) He/She shall be disbursing authority but no payment shall be made out of the funds of the Bar Council except under order of the Vice Chairman and the Chairman of the Executive Committee.
- (vii) All notices of the meeting etc, of the Bar Council shall be issued by the Secretary in consultation with Vice Chairman or Chairman Executive Committee.
- (viii) If a particular situation is not covered under these Rules, the matter shall be decided by the General body of the Bar Council.

CHAPTER 4

COMMITTEES

16. Besides the Committees constituted under sub-section (1) of section 10 of the Act, the Bar Council may constitute from amongst its Members, the following Committees and may authorize any such Committee to co-opt as its Members any other persons not exceeding such numbers as the Bar Council may determine:
- i. Advocate Roll Preparation and Scrutiny Committee
 - ii. Anti Corruption Committee
 - iii. Benevolent Fund Committee
 - iv. Examination Committee
 - v. Finance Committee
 - vi. Free Legal Aid & Human Rights Committee
 - vii. Inter Provincial Coordination Committee
 - viii. Law Reforms & Legal Education Committee
 - ix. Publication Committee
 - x. Rules Committee

xi. Any Other Committee

[Appeal committee, Law journal committee, library committee, privileges committee, selection committee were deleted, Free Legal Aid committee is merged with Human rights committee, Law Reforms committee is merged with Legal Education committee vide Notification No 1096/KP/BC dated:17-8-2013]

17. A Bar Council may Constitute one or more Tribunals each consisting of two of its Members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice of Peshawar High Court Peshawar, who shall be the Chairman:

Provided that Members elected for the purpose shall not be nominated by the office in a meeting / session where cases of his/her their zone are listed for hearing.

18. Chairman of every Committee constituted under Rule 16, shall, unless elected by the Members of the Committee concerned, will be elected by the Bar Council.

19. The terms of every Committee shall be the same, as that of the Bar Council itself, unless the Bar Council when constituting the Committee provides otherwise or the work assigned to it is concluded.

20. Meetings of a Committee may be convened either by the-

- (i) Chairman of the Committee concerned; or
- (ii) Requisition made by two Members of the Committee concerned; or
- (iii) Vice Chairman of the Bar Council; or
- (iv) Chairman Executive Committee.

21. The business of a Committee shall be transacted in a meeting of the Committee [*and all the decisions made by the committee will have no effect unless and until approved by the Bar Council.*]* [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Provided that where it is expedient to transact business by circulation, they may obtain the views of the Members of the Committee by circulation and take a decision accordingly. A decision so taken shall be deemed to have the same force as if taken in a meeting of the Committee in case the views of the Members are unanimous.

22. A Committee shall have powers to decide upon its own procedure in matters not covered by the Rules subject to approval of General Body.

23. Unless otherwise directed by the Bar Council, every Committee shall submit reports of its proceedings to the Bar Council within 7 days duly signed by the Chair in the following manner:-

- a) a comprehensive and clear enunciation of the question considered by the Committee shall be set out;
 - b) as far as practicable specific issues should be dealt with separately and arguments for and against on each proposal should be set out;
 - c) a detailed statement should be set out on the date upon which the Committee has applied its mind and the conclusion arrived at as a result of such consideration and further wherever opinions of Bar Association or any other person have been elicited the substances of the opinion and the analysis thereof;
 - d) a resolution setting forth the recommendations which the Committee adopts shall be forwarded with the report; and
 - e) The opinion of the Committee can be dissented from by any Members of the Committee and may append a note of dissent, which shall form part of the report.
24. Every Committee constituted under the Act or Rule 16 shall present to the Bar Council before the end of every year, a report of its working for approval, failing which, the Member & Chairman, if any, would not be eligible to be elected as Member of any Committee for the remaining period of Bar Council.
25. The Bar Council may assume to itself the functions and powers of any such Committee, if in the opinion of the Bar Council such Committee fails in discharging its function whereafter a new Committee shall be constituted by the Bar Council.
26. Subject to the supervision and general control of the Bar Council, the Executive Committee shall in addition to the functions entrusted to it under the Act and Rules, have the following functions and powers:-
- a) to supervise and deal with all matters regarding administration of the Bar Council;
 - b) subject to the approval of the Bar Council in its next ensuing meeting, to appoint suspend the staff of the Bar Council:

Provided that no appointment or suspension in relation to a person drawing salary above Rs. 25,000/- per mensem shall be made by the Executive Committee in consultation with Vice Chairman without the prior approval of the Bar Council:

C-1) In case of emergency, the Chairman of the Executive Committee in consultation with Vice Chairman may exercise all the powers; [2nd proviso is changed to Rule 26-c1, vide Notification No 1096/KP/BC dated:17-8-2013]

- c) to implement the decisions of the Bar Council;
- d) to receive the complaints, resolutions regarding courts, Executives, the Chairman Executive with the consultation of the Vice Chairman and member/members of the Bar Council of the concerned district may take action accordingly and shall be laid before the Bar Council in the next meeting; [Amended vide Notification No 1096/KP/BC dated:17-8-2013]
- e) in consultation with the Vice Chairman and the Member/Members [*nominated by the Vice Chairman*]* to mediate disputes between Advocates inter se between Advocates and the Bar Association or between Bar Association inter se and shall also take appropriate action in the matter keeping in view the larger interest of the lawyers; [word 'of district concerned' substituted with 'nominated by the Vice Chairman' vide Notification No 1096/KP/BC dated:17-8-2013]
- f) to constitute sub-Committees and to entrust such of its functions thereto as may be necessary;
- g) to assist the Bar Council in all matters relating to its functions;
- h) to institute and defend suits and other proceedings on behalf of the Bar Council and for this purpose to appoint Advocates, agents and to authorize any person to sign verify the pleadings and to appear and act on behalf of the Bar Council.

Provided that the fee payable to the Advocate for such services shall be settled after prior consultation with the Vice Chairman. The information in regard to this matter shall be laid before the Bar Council in its next meeting; and

- i) to perform such functions as the Bar Council may entrust to it.

CHAPTER 5

ENROLLMENT OF ADVOCATES

PART "I" (LOWER COURT)

27. (i) Any person qualified for admission as an Advocate under the Act, may make an application in Form "A" to the Bar Council within whose jurisdiction he proposes to practice generally. An application for admission as an Advocate of lower court shall be placed before the Enrollment Committee:

Provided that the paper/ documents mentioned in Rule 28, if not submitted by the applicant soon after qualifying NTS and after the date of completion of training, the following sum shall be payable for the delay as under:-

- a) Rs. 500/- for one month delay;
- b) Rs. 1000/- for two months delay;
- c) Rs.1500/- for three months delay;
- d) Rs. 2000/- for four months delay;
- e) Rs. 2500/- for five months delay; and
- f) Rs. 3000/- for six months delay.

- (ii) Thereafter the Intimation Form of the applicant shall be cancelled and the applicant shall have to undergo the process of apprenticeship as afresh:

Provided that if the applicant did not submit the paper/ documents mentioned in Rule 28 because of failure in final LLB examination, the above penal proviso shall not apply to his case.

27A. [the procedure for enrollment as amended by the Pakistan Bar Council in their Rules 1976 regarding NTS (National Testing Service) or any other authority duly notified by the Pakistan Bar Council, as to applicant's having passed the Assessment Test shall be adopted by the Bar Council in enrollment of Advocates of subordinate courts.]* [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

28. The application shall be accompanied by:-

- a) satisfactory evidence of the applicant's date of birth recorded in SSC shall be presumed correct unless determined otherwise;
- b) satisfactory evidence of qualification under section 26 of the Act and Rules, accompanied by testimonial attested by a gazetted officer[/ *Notri Public*]*. [inserted vide Notification No 1096/KP/BC dated:17-8-2013]
- c) *Character certificate issued by two advocates having 10 years standing practice being not defaulter.* [Amended vide Notification No 1096/KP/BC dated:17-8-2013]
- d) an affidavit stating fully, truly, and accurately if any criminal proceeding or proceedings for professional misconduct were instituted against him anywhere and if so, the result thereof;
- e) an application moved by a person dismissed from service shall also be accompanied by a copy of the charge sheet: the statement of charges and reply thereof, if any by the applicant and the final decision of the matter;
- f) a fee at the time of enrollment or re-enrollment shall be as under:
- (i) a receipt of payment of Rs.[1500]*; [word '600' substituted with '1500' vide Notification No 1096/KP/BC dated:17-8-2013]
- (ii) General Welfare Fund of Bar Council to be paid at the following rate after crossing the age of 25 years:

Age(Year)	General Welfare Fund	Age(Year)	General Welfare Fund
21 To 25	4900	61	112900
26	7900	62	115900
27	10900	63	118900
28	13900	64	121900
29	16900	65	124900

30	19900	66	127900
31	22900	67	130900
32	25900	68	133900
33	28900	69	136900
34	31900	70	139900
35	34900	71	142900
36	37900	72	145900
37	40900	73	148900
38	41900	74	151900
39	46900	75	154900
40	49900	76	157900
41	52900	77	160900
42	55900	78	163900
43	58900	79	166900
44	61900	80	169900
45	64900	81	172900
46	67900	82	175900
47	70900	83	178900
48	73900	84	181900
49	76900	85	184900
50	79900	86	187900
51	82900	87	190900
52	85900	88	193900
53	88900	89	196900
54	91900	90	199900
55	94900	91	202900
56	97900	92	205900
57	100900	93	208900
58	103900	94	211900
59	106900	95	214900
60	109900	96	217900

(iii) Advocates Benevolent Fund to be paid as provided in Rule 4 of the Khyber Pakhtunkhwa Bar Council Advocates Benevolent Fund Rules, 2010;

29. An undertaking that he would become a Member of a Bar Association within six months after his enrollment;

30. List of ten (10) cases in which he has assisted his senior duly signed by the senior Advocate giving the nature and current stage of each case.

31. [Six]* attested copies of passport size photographs; [word 'four' is substituted with 'Six' vide Notification No 1096/KP/BC dated:17-8-2013]

32. 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 examination. In case of false affidavit the application shall be rejected besides penal/ Legal action;

33. A character and good conduct certificate from the employer if he had been in service anywhere;

34. A certificate of training from the senior in Form "B":

Provided that the certificate of training issued by the senior shall be accepted only if he is not in arrears of dues of Bar Council:

Provided further that in case of false certificate issued by the senior, he shall be liable for misconduct/penal action under the Act & Rules.

35. Every apprentice (except a person mentioned in 35) shall, before being admitted as an Advocate, have to undergo a comprehensive training regularly for a continuous period of six months, as pupil in the chamber of an Advocate, who has been entitled to practice as an Advocate not less than ten (10) years;

Provided that a pupil may commence his apprenticeship with such Advocate after having passed his LLB part I and II and having appeared in all subjects of his LLB part III examination:

Provided further that such an apprentice shall furnish copies of the result of his LL.B part I & II examination, an affidavit to the effect that he has appeared in all papers of his LL.B part III examination and also course completion certificate issued by the Principal of the concerned institutions.

36. 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, in accordance with this rule:

Provided that the first intimation form shall not be accepted if the senior is in arrears of dues of Bar Council:

Provided that no Advocate shall take more than three (3) pupils at a time:

Provided further that the Advocate taking pupils was practicing at the [Advocate]* during the whole period of pupillage and that a written intimation of a person

joining an Advocate as pupil, signed by both of them [*alongwith copy of senior's Bar Council card*]** has been sent to the Secretary of Bar Council within one month after the commencement of pupillage. [word 'Bar Council' is substituted with advocate, and
** inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Provided also that an Advocate having more than 3 pupils at any particular time, only the first three (3) in the order in which they were taken shall be regarded as under training.

*[Provided that the first intimation form shall not be accepted if the senior is in arrears of dues of Bar Council.]** [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

37. An Advocate with whom a person received training in accordance with Rule 30 shall give a certificate in Form "B" prescribed by the Bar Council and shall specify in the certificate or as a separate annexure thereto at least ten (10) cases in which he had the assistance of pupil.
38. Every applicant applying for admission as an Advocate shall have to pass a written examination in addition to a viva-voice examination, held quarterly under the directions and supervision of the Enrollment Committee of the Bar Council in the following subjects:
 - (a) Civil Procedure Code;
 - (b) Criminal Procedure Code;
 - (c) Qanoon-e-Shahadat;
 - (d) Constitution of Islamic Republic of Pakistan;
 - (e) Legal Practitioners and Bar Councils Act, 1973 and the rules framed there under; and
 - (f) Canons of Professional Conduct and Etiquettes.
39. The Enrollment 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.
40. *[The applicant whose application is rejected by the Bar Council shall have a right to prefer an appeal within 30 days of rejection of his application to Pakistan Bar Council.]** [Amended vide Notification No 1096/KP/BC dated:17-8-2013]
41. The following persons shall be exempted from training and examination for the purpose of this part:-

- (i) Applicant who has received an LLM degree from a university [*recognized*]* under section 26(1) (c) (iii) of the Legal Practitioners and

Bar Councils Act 1973, or a degree or diploma which is declared by the Pakistan Bar Council to be equivalent to that degree. [word 'any' is substituted with 'recognized' vide Notification No 1096/KP/BC dated:17-8-2013]

- (ii) Applicant who has for at least 5 years held a judicial office in Pakistan or who has for a like period held a post in the service of Pakistan the duties whereof entail interpretation or drafting of Laws;
- (iii) Applicant who after having been called to the Bar in England has completed full one year training with a senior counsel in England which training thereafter entitled him to appear independently in Courts in England.
- (iv) Applicant who after having been enrolled as practicing lawyers in any place not with in Pakistan, has to the satisfaction of the Enrollment Committee of the Bar Council, practiced there for full one year.

42. The fee for Apprenticeship intimation, Enrollment, Examination etc shall be as under:

- (i) Apprenticeship intimation Form "A" fee shall be Rs.500/- ;
- (ii) Form "B" required for enrollment shall be supplied to apprentices by the Bar Council on payment of Rs.1000/- ;
- (iii) Examination fee shall be Rs. 300/-; Provided that if the applicant fails in enrollment examination, an additional fee of Rs. 300/- shall be charged ;
- (iv) Building fee shall be Rs. 200/- ;
- (v) Enrollment Certificate fee shall be Rs. 200/- ;
- (vi) Advocate Card fee shall be Rs. 200/- .

43. The certificate for practice as an Advocate of the Subordinate Courts, shall expire on 31st December each year. No Advocate shall have the right to appear as an Advocate in the Courts, without renewal of certificate. A fee of Rs.200/- shall be charged by the Bar Council as renewal fee and a fine of Rs.[25/-]* per month shall be charged as late fee. [Words '10' is substituted with '25', vide Notification No 1096/KP/BC dated:17-8-2013]

44. The Bar Council shall issue registration number according to Roll of Bar Council to every Advocate enrolled with the Bar Council, which shall be considered valid only for one year, and the said number shall be mentioned on Wakalat-Nama in every case to be conducted/pleaded by the Advocate before the court/ tribunal.

PART "II" (HIGH COURT)

45. An application for admission as an Advocate of the High Court shall be accompanied by:
a) an Affidavit in respect of duration of practice in the Courts Subordinates to the High Court.

- b) two certificates from Advocates of the High Court [*having 10 years standing practice,*]* as to being fit person to be admitted as an Advocate of the High Court ;
and [inserted vide Notification No 1096/KP/BC dated:17-8-2013]
- c) a receipt of the payment of a sum of Rs. [6000]*/- or any amount prescribed in this regard.[word '3000' is substituted with '6000' vide Notification No 1096/KP/BC dated:17-8-2013]
- d) *List of 20 cases conducted by the applicant along with certified copies of his Wakalat Namas.* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]
46. An application made by a person dismissed from service shall also be accompanied by a Copy of Charge Sheet, the statement of charges and reply thereof; if any, by the applicant and the final order.
47. Application for admission under section 27 clause (c) of the Act shall be forwarded to the High Court and after approval there from shall be dealt-with in accordance with the procedure herein provided for enrollment of Advocate.
48. The Secretary before forwarding the application to the Enrollment Committee shall ensure that the applicant is qualified and not disqualified in terms of section 26 and 27 of the Act and the Enrollment Committee, before granting the application, shall ensure that the applicant has undergone such training and passed such examination as may be prescribed.
49. The Enrollment Committee may, before it passes an order granting to application or returning it to the Bar Council, make such summary enquiry, as it thinks fit.
50. The Enrollment Committee shall dispose of the application within six (6) months of the receipt of the application by it.
51. Where an Enrollment Committee of Bar Council allows the application, a certificate of Enrollment shall be issued to the applicant in the prescribed form.
52. 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 Enrollment Committee of the Pakistan Bar Council provided that the enrollment may for sufficient cause extend the period for filing the appeal.
53. The following persons shall be exempted from training and examination under this part:-
- (i) Applicant who has received an LLM degree from a university [*recognized*]* 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; [word 'any' is substituted with 'recognized' vide Notification No 1096/KP/BC dated:17-8-2013]

- (ii) Applicant who has for at least 5 years held a judicial office in Pakistan or who has for a like period held a post in the service of Pakistan the duties whereof entail interpretation or drafting of Laws;
 - (iii) Applicant who after having been called to the Bar in England has completed a full one year training with a senior counsel in England which training thereafter entitled him to appear independently in Courts in England;
 - (iv) Applicant who after having been enrolled as practicing lawyers in any place not with in Pakistan, has to the satisfaction of the Enrollment Committee of the Bar Council, practiced there for full one year.
54. Where the Enrollment Committee returns an application under section 31 of the Act, the same shall be considered and disposed of by the Bar Council and its decision shall forthwith be communicated to the applicant.
55. An Advocate enrolled with any other Bar Council of Pakistan, who wants to be enrolled as such with Bar Council, shall have to provide all the documents required for enrollment as an Advocate along-with NO Objection Certificate (N.O.C) from the concerned Bar Council [and to pay admission fee to the extent of Rs. 10000/- (ten thousand) for Subordinate court and Rs. 15000/- (fifteen thousand) for High Court alongwith other charges]** and benevolent fund to his present age group prescribed under these Rules. [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]
56. The Enrollment Committee shall refuse to enroll or re-enroll a person otherwise qualified, on the ground of having retired from any service after attaining superannuation age except the persons who have held the Judicial office, Office of the public prosecutor/ Government pleader/ Legal advisor/ pleading/conducting cases before court as prosecutor/ Legal advisor or teaching Law subject.
57. The minimum age prescribed for enrollment as an Advocate is 21 years under the Act, however person qualified to be admitted as an Advocate under the Act and Rules 2010 of the Khyber Pakhtunkhwa Bar Council.
58. The Secretary shall issue a receipt for payment of annual fee for the renewal of license in Form "C" to every Advocate paying annual fee, and a certificate in Form "D" permitting him to practice before the High Court.
59. An Advocate who fails to pay the annual fee or any other fee or contribution provided under the rules by the 31st of December of the preceding year shall pay a late fee of Rs. 25/- per

month of delay, subject to maximum of Rs. 150/- or such amount as may be prescribed in this regard.

60. An Advocate shall apply that his license be suspended because he intends to discontinue his practice in order to carry on business or to join some other profession or vocation and he may apply for the termination of such suspension. An Advocate may apply that his name be altogether removed from the roll.

Provided that suspension from practice as an Advocate for a period exceeding *[five]** years shall amount to removal from the roll of Advocate of Bar Council, subject to the provision of Rule 50, if such person wanted to be re-enrolled as an Advocate, he shall have to pay the prescribed fee, benevolent fund and other charges according to his age group as prescribed under these Rules. [word 'three' is substituted with 'five' vide Notification No 1096/KP/BC dated:17-8-2013]

*[Provided further that if an advocate concerned fails to seek such suspension within one month of such engagements or employment in such other profession or service, he shall be guilty of misconduct and he has to pay Rs. 50000/- as penalty for such misconduct.]**

[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

61. The Enrollment Committee shall suspend and cancel the license of an Advocate where it is established *[.]** that the advocate concerned has entered Government / Semi Government, non Government organization/ Private Sector, School, College, Industries and Agricultural employment or any other employments, Business/ Trade of all kinds, Vocations. *[.]**^{[words} 'after due notice', 'and profession not concerned with law' are deleted vide Notification No 1096/KP/BC dated:17-8-2013]
62. All disputes relating to seniority as an Advocate shall be determined by the Enrollment Committee. 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 Enrollment Committee by passing correction slips in the Roll.
63. All additions, alteration and corrections made in the Roll shall be communicated to the High Court within Ninety Days of the additions, etc.

CHAPTER 6

DISCIPLINARY PROCEEDINGS

64. (i) *[A complaint against an Advocate shall contain clearly the charge/ charges duly accompanied by documents or certified copies that are available to the complainant with 6*

copies of complaint, and in case where the complaint is not by a Court or by a public servant acting in his official capacity, shall also be supported by an affidavit as to the facts.] [Amended vide Notification No 1096/KP/BC dated:17-8-2013]

- (ii) The complaint shall also be accompanied by a receipt of Rs. [1500]*/- only, even if the complaint routed through court however complaint by the court itself shall be exempted from the requisite fee: [word '1000' substituted with '1500' vide Notification No 1096/KP/BC dated:17-8-2013]
Provided that the Bar Council may dispense with the filing of an Affidavit.

65. All the complaints against advocate / advocates regarding professional misconduct or other misconduct as an advocate shall be placed before the disciplinary committee.
[Amended vide Notification No 1096/KP/BC dated:17-8-2013]
66. Upon a complaint filed by a person against an Advocate if the cognizance is taken by the Disciplinary Committee and the Complainant withdraws the same, he would be burdened with a cost which may extend to Rs. 10000/-. However, if the complainant withdraws the complaint before the cognizance is taken by the Disciplinary Committee, he may be allowed to withdraw on reasonable cost.
67. Where a reference is made to Tribunal under section 42 of the Act, all the relevant documents shall be forwarded along with the reference.
68. The Disciplinary Committee, to which a [complaint]* is made under section 41 of the Act, shall complete the proceedings before it within six months of the receipt of the same and submit its report to the council for information. [word 'reference' substituted with 'complaint' vide Notification No 1096/KP/BC dated:17-8-2013]
69. An Advocate may appear on his behalf, the complainant shall also be entitled to appear in person or through Counsel before the Disciplinary Committee.
70. On receipt of a reference under section 41 of the Act, the Chairman of the Tribunal shall fix date for the hearing of the case not earlier than twenty-one days and not later than sixty days from such receipt, and a notice of the date fixed be served on Advocate concerned as well as the Advocate General along-with copies of the record that has been forwarded to the tribunal, so as to reach the Advocate as well a Advocate General not less than fourteen days before the date fixed. Notice of the date shall also be served on the complainant in case the complainant is not made by a court or by public servant acting in his official capacity. Notice of the date should also be put on the Notice Board of the Bar Council.

71. The Advocate concerned shall be entitled to file a reply to the allegation leveled against him whether or not he/she has already filed a reply before the Disciplinary Committee. He/she shall deliver such reply along-with three copies to the Secretary at least seven days before the date of hearing fixed by the Tribunal and the Secretary shall deliver the copies to the Advocate General and the complainant at least three days before such date of hearing.
72. The Tribunal shall determine the matter before it on oral evidence and on documents in accordance with the provisions of the Qanoon-e-Shahadat Order, 1984 and the Tribunal shall follow generally and to the extent practicable the procedure provided for suits in the Code of Civil Procedure, 1908 but the Tribunal shall also have power to call for or permit affidavit and allow documents to be proved by affidavits:

Provided that the party affected by an affidavit shall have the right to cross examines the deponent.

73. The Advocate concerned shall be a competent witness on his own behalf and shall be liable to be crossed examined, if he appears as a witness but shall not be compelled to appear as a witness. [Amended vide Notification No 1096/KP/BC dated:17-8-2013].
74. Advocate *[as well as]** the complainant shall also be entitled to appear in person or through Counsel, but the Advocate General shall have a prior right to conduct the proceedings against the Advocate, subject to any directions by the Tribunal. [words 'may appear on his behalf,' substituted with 'as well as' vide Notification No 1096/KP/BC dated:17-8-2013]
75. The Secretary of Bar Council shall be the Ex-Offico Registrar of the Tribunal and *[..]** responsible for service of notice issued by the Tribunal and for compliance with the Rules in this Chapter.[words 'shall be' deleted vide Notification No 1096/KP/BC dated:17-8-2013]

CHAPTER 7

BAR ASSOCIATIONS

76. Every association of the Advocates ordinarily practicing at a particular place shall apply to the Bar Council for the recognition of the Bar Association. The application shall be filed by the President or Secretary of the Bar Association:

Provided that no application shall be entertained in respect to a place where a recognized Bar Association already exists.

77. The application shall be accompanied by a copy of the constitution of the Bar Association along with a resolution of the Bar Association seeking recognition, *[list of its existing member duly enrolled by the Khyber PakhtunKhwa Bar Council, list of office bearers and details of its account.]*^{*}[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Provided that no Bar Association shall be recognized unless it is functioning at a place where there is a regular Civil, Revenue or Criminal Court.

78. The application shall be laid before the Executive Committee which may after considering the same require amendments to be made in the constitution of the Bar Association prior to further consideration of the application or may refuse to recognize Bar Association. Such decisions shall not take effect unless approved by the Bar Council.
79. The Bar Council shall decide the application for recognition of a Bar Association within six months of the submission of the application subject to all codal formalities and in case it fails to decide within this period, the Members of that Bar Association will be regarded as Members of a recognized Bar Association till the question of recognition of such Bar Association is decided by the Bar Council.
80. Where there is an existing recognized Bar Association on the date of coming into force of these rules, no further application from such place for recognition shall be entertained, but this shall not prevent the recognition of a High Court Bar Association at a place where there is a functioning Bench of the High Court.
81. Where there are more applications than one for recognition from the same place, the Executive Committee shall decide which application shall be accepted and the Bar Association is recognized.
82. Every recognized Bar Association shall within four weeks of making any amendment in its constitution, forward a copy of the same to the Bar Council for approval.
83. Any Member of a Bar Association aggrieved by an act or omission of Bar Association may within one month of such act or omission appeal to the Bar Council, where such act or omission violates the constitution of the Bar Association.
84. Every recognized Bar Association must furnish to the Bar Council by 31st December of every year a list of its practicing Members as Advocates and as Advocates of the High Court along-with the dates of their enrollment. A list of office bearers with full particulars shall be furnished within a month of the annual election.

85. No person shall *[regularly]** practice as an Advocate *[in the province of Khyber PakhtunKhwa]** unless he is *[on the Roll of Khyber PakhtunKhwa Bar Council and a registered]** Member of a recognized Bar Association: [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

*[Provided that an Advocate may become a Member of more than one Bar Association, but can exercise his right of vote in the election of Bar Association as per his place of Practice as mentioned in KP Bar Council Roll,]**[amended vide Notification No 1096/KP/BC dated:17-8-2013]

*[Provided that a member may cast his vote in the election of High Court Bar Association at the place where he ordinarily Practice.]**[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

*[Provided further that no member of Bar Association shall have right of vote in the election unless he has completed at least six months as member of the concerned Bar Association.]**[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

86. Where it is reported by a Bar Association that any Advocate has ceased to be its Member, the name of such Advocate may after notice to the Advocate, be struck off the Roll unless he/she established that he/she continues to be a Member of any other recognized Bar Association.
87. It will be sufficient compliance with the requirements of Rule 79 if within six months of being enrolled as an Advocate, a person applies for being admitting as a Member of such Bar Association and his application has not been dismissed.
88. The applicant shall, within six months of his enrollment as an Advocate, inform the Bar Council of the date of application for admission as a Member of such Bar Association and shall forward a copy of receipt of such application duly signed by the secretary of such Bar Association. The license of the Advocate, who has not without reasonable excuse, so intimated to the Bar Council shall stand automatically suspended:

*Provided that it shall be restored on his showing reasonable cause for the failure [to secretary Bar Council within period of three months of suspension failing which his license to practice shall deem to be cancelled.]**[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

89. Every Advocate, whose application for admission as a Member of a Bar Association has been dismissed by the Bar Association, shall have a right of appeal to the Bar Council. The appeal shall be filed within two months of the communication to him/her of the order

appealed against. The appellate authority may for sufficient cause, condone the delay in the filing of the appeal, if any.

90. No removal of any Advocate from the Membership of a Bar Association shall be recognized by the Bar Council, unless it is authorized by the constitution of the Bar Association, or for miss-appropriation of the funds or the property of the Bar Association or for gross misconduct.
91. In case the name of an Advocate is removed from the roll of Members of a Bar Association, he/she shall have like remedies as he would have if his application for admission as a Member of a Bar Association was dismissed and the *[Executive Committee]** shall have similar powers. [words 'appellate Authority' substituted with Executive Committee vide Notification No 1096/KP/BC dated:17-8-2013]
92. In case of a dispute over an election of any Bar Association or any emergency, where the Rules/Bye Laws of the Association are silent over an issue, after receipt of a compliant /application from any Member of the Bar Association, the Bar Council shall conduct the election of such Bar Association in the circumstances of the case, keeping in view the interest of the Lawyer's Community.
93. Bar Council shall supervise all the functions of Bar Associations in the province including Audit/ Accounts of funds of the Bar Association. The *[out going]** president and the General Secretary of the Bar Association shall submit report of the yearly income and expenses along-with the audit report of the concerned Bar Association to the Bar Council, *[before the end of his/their tenure]** failing which he or they shall not be eligible for five (5) years to contest the election of the Bar Association or the Bar Council, besides any other punishment provided in any law/ rules. [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Provided that disciplinary proceedings shall be initiated against the President and the General Secretary of the Bar Association concerned and if anyone or both of them found guilty of non compliance of the rules or of misuse or misappropriation of the funds or property of the Bar Association, on the application of a Advocate of the concerned bar association, shall also be liable to disciplinary action. Besides the aforesaid punishment.

94. All the Bar Associations in the province shall conduct their annual election within the prescribed period and procedure provided in the Pakistan Bar Council Rules 1976 (*amendment 2013 Notification No: 455/PBC/SEC/2013 dated May 2, 2013*) as under,
 - (i) The election to district/tehsil Bars of Khyber Pakhtunkhwa shall be held on last Saturday of March each year whereas the election of each of High Court Bar Association in that province shall be held on last Saturday of April each year”.

- (ii) No contesting candidate or his supporter shall canvass for votes through advertisement, banner, pla- cards, stickers and posters.
- (iii) No meal/ lunch/ dinner by a contesting candidates or his supporter will be given to voters directly or indirectly in connection with election campaign.
- (iv) *[it shall be the pre-requisite that contesting candidate for an office of Bar Association is purely a professional practicing advocate and is member of the Bar Association concerned for not less than three years having active length of practice as under:-

Post	Length of Practice
President	08 year in case of Tehsil/ Taluka Bar Association 10 year in case of District Bar Association 15 years in case of High Court Bar Association
Vice President	6 year in case of Tehsil/ Taluka Bar Association 08 years in case of District Bar Association 12 year in case of High Court Bar Association
Secretary	5 year in case of Tehsil/ Taluka Bar Association 7 years in case of District Bar Association 10 year in case of High Court Bar Association
Other offices i.e Finance Secretary, Library Secretary, Member, Executive committee	3 years

Explanation:-

- I. To meet the requirements being of a professional practicing advocate the candidates shall file certified copies of power of attorneys of 3 preceding years; as under

Post	Power of Attorneys per year
President	05 in case of Tehsil/ Taluka Bar Association 10 in case of District Bar Association 15 in case of High Court Bar Association
Vice President	05 in case of Tehsil/ Taluka Bar Association 10 in case of District Bar Association 15 in case of High Court Bar Association
Secretary	Nil in case of Tehsil/ Taluka Bar Association 10 in case of District Bar Association 15 in case of High Court Bar Association
Other offices i.e Finance Secretary, Library Secretary, Member, Executive committee	Nil in case of Tehsil/ Taluka Bar Association Nil in case of District Bar Association 05 in case of High Court Bar Association

All the above power of attorneys must in the name of individual counsel, or in the name of law firm registered with Bar Council.]* (amended vide notification No:84/KP/BC dated:5th March 2016)

- II. The length of practicing as mentioned above means practice as an advocate of subordinate courts for contesting election against an office of the District / Tehsil/ Taluka Bar Association and practice as an Advocate of the High Court for contesting election for an office of the High Court Bar Association.

(v) **Qualification of Chairman and Members of Election Board:-**

The qualification for chairman and members of Election board for holding election of a bar Association shall be as under:-

- a. For the election of District / tehsil Bar Association the Chairman shall have the standing as an advocate of lower courts for 10 years whereas the members for 7 years.
 - b. For the election of High Court Bar Association the Chairman shall have the standing as an advocate of the High Court for 15 years whereas the Members for 10 years.
- (vi) The President /Secretary of a Bar Association shall prepare a list of eligible voters at least two months before the date of election and display it on the Notice Board of the Bar Association and shall also notify it to members of the association inviting objection, if any. The list will be given final shape viz-a-viz dues for the purpose of election of Bar Association and provincial Bar council concerned, as the case may be, and sent to concerned Provincial Bar Council for authentication, at least thirty days before the date of election. The Provincial Bar Council shall notify the list at the earliest but not later than twenty days before the date of election.
- (vii) **Right of Vote:**
- a. No member of a Bar Association shall have a right of vote in the election unless he has completed at least six months of his being member of the Bar Association concerned.
 - b. Before poll of the vote, the voter shall have to produce his identity card issued by the concerned Provincial Bar Council or the Bar Association.

[Rule 94 amended vide Notification No 1096/KP/BC dated:17-8-2013]

If any Bar Association without reasonable cause or sufficient grounds fails to conduct its election within the prescribed period in the constitution, the Bar Council upon the application/ complaint of any Member of the Bar Association shall interfere in the matter and take appropriate action in the circumstance of the case.

CHAPTER 8

FIRMS OF LAWYERS

95. An Advocate desirous of forming firm of lawyers or to associate with a firm of lawyer, for the purpose of the practice of law in the jurisdiction of the Bar Council shall apply to the Bar Council for the registration of the firm or of their association on payment of Rs. 10,000/- as registration fee.
96. An application for registration having following information along with the copy of partnership deed shall be forwarded to the Bar Council :
- a) Name of Firm ;
 - b) Place of Office or offices of the Firm ;
 - c) The Name of partners with their date of births ;
 - d) The shares of partners and academic qualification and standing at the Bar ;
 - e) The contribution to be made by each partner ;
 - f) Bank Account.
97. The application shall be placed before the Bar Council which may call for such further information as it may think necessary.
98. Advocates already associated together for the purpose of practicing law, shall within three months of the promulgation of these rules apply for the registration of their firms and the provision therein contained shall apply MUTATIS MUTANDIS to such application.
99. All applications for registration of the firm shall be taken up for consideration within two months of their presentation and shall be disposed of within four months and in case of a firm existing on the date of promulgation of these rules, such firm may continue its business till the disposal of the application.

CHAPTER 9

TRAVELING AND DAILY ALLOWANCES

100. A Member shall be eligible for Traveling Allowance as under, while proceeding for a meeting of the Bar Council or of a Committee of which he is a Member , -
- (i) First class train fare, if travels by train ;
 - (ii) Rs.12 per kilometer, if travels by private car ; and

(iii) Actual expenses, if travels by any other conveyance.

101. A Member shall be entitled to an allowance of Rs.2000/- per day for the day of a meeting of the Bar Council or of the Committee of the Bar Council.
102. If a Member arrives earlier than the date of meeting, he shall be entitled to additional allowance for one day
103. If a Member returns from the meeting after date of termination of the meeting, he shall be entitled to a further additional allowance for one day.
104. If the Government accommodation is made available at concessional rates at Government Rest House outside the province, a Member shall be entitled to Rs. 50 per day, instead of Rs.2000/-.

CHAPTER 10

FINANCE

105. Subject to the control and direction of the Bar Council, the Vice Chairman of the Bar Council and the Chairman Executive Committee shall be responsible for realizing all the moneys due to the Bar Council and for the management, administration and utilization of the funds of the Council.
106. The Vice Chairman of the Bar Council and the Chairman Executive Committee shall after consulting the Finance Committee cause to be prepared and submitted for approval to the Bar Council by 1st of March every year a budget statement of expected receipts and expenditure for the coming financial year.

Provided if the amount authorized in under the budget for the current financial year is found insufficient or need as araisal for expenditure upon new matters the supplementary budget/ financial statement shall be prepared and placed before the Bar Council for authorization and sanction.

107. The Secretary shall be the disbursing authority but no payment shall be made out of the funds of the Bar Council except under order of the Vice-Chairman and the Chairman Executive Committee:

Provided that no payment shall be ordered unless it is authorized under rules 106 to 108.

108. Notwithstanding anything contained in Rule 103, the Vice Chairman of the Bar Council or the Chairman Executive Committee may sanction expenditure up to Rs. 25,000/-.
109. The money credited to the funds of the Bar Council shall be kept in such bank or banks and the account as decided by the Bar Council and shall be jointly operated by the Vice Chairman and the Secretary of the Bar Council.
110. The Bar Council may invest any portion of the funds of the Bar Council in such manner as it may think proper.
111. The Bar Council may constitute a separate fund for any special purpose which shall be administered and regulated in such manner as the Bar Council may specify.
112. The moneys from time to time credited to the fund of the Bar Council shall be applied in the following order :

Firstly, in the payment to the Pakistan Bar Council, of twenty per cent (20%) of the total sum received by it during the financial year as enrollment fee for permission to practice before the High Court ;

Secondly, in the payment of salaries and allowances to the staff of the Bar Council;

Thirdly, in the fulfillment of any obligation and in the discharge of any liability impose on the Bar Council under the Act and Rules; and

Fourthly, in meeting the expenditure declared by the Bar Council to be an appropriate charge on the fund.
113. A Cash Book shall be maintained by the Bar Council through Accountant as in Form "E".
114. The receipt of all cash and cheques received for credit to the fund of the Bar Council shall be entered on the receipt side of the Cash Book as soon as the receipt is issued.
115. 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.

116. 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.
117. The amount remitted to the bank each day shall be shown in the appropriate column on the Cash Book indicating the number and date of the deposit voucher with which the amount is thus remitted.
118. All entries in the Cash Book shall be checked by the Secretary item-wise with reference to the receipt and vouchers and attested in token of check. The Cash Book shall be signed by the Secretary daily.
119. At the end of each month, the balance shall be struck and the closing balance will be verified with reference to the bank Pass Book.
120. The total of various columns in the Cash Book shall be carried out into next month account.
121. At the end of each quarter, a quarterly statement of Account giving full details of income and expenditure shall be compiled and laid before the Bar Council.
122. At the end of each financial year, an Annual Account in Form "F" shall be compiled.
123. The annual account so compiled shall be audited by a Chartered Accountant within the meaning of the Chartered Accountant, ordinance 1961, appointed by the Bar Council.
124. The Auditor appointed under this Rule shall examine the annual account together with the receipts and vouchers relating thereto, and shall at all reasonable times have access to the books, account and other documents of the Bar Council, and may in relation to such account, examine any officer or employee of the Bar Council.
125. The Secretary shall be responsible for any irregularity in financial matters including audit of Bar Council and in case of failure shall be liable to Disciplinary action.
126. The Auditor shall report to the Bar Council upon the Annual Accounts and in its report he shall state in its opinion as to whether Annual Account is a full and fair account, containing all necessary particulars and properly drawn up, so as to exhibit a true and correct view of the finance of the Bar Council.
127. The Vice Chairman of the Bar Council and the Chairman Executive Committee shall furnish to each Member of the Bar Council at least fifteen (15) days before the date of the meeting

of the Bar Council called in the beginning of the financial year, a copy of the Annual Audit Report.

128. The Vice Chairman and Finance Committee shall make efforts to raise the funds of the Bar Council and try to approach the concerned quarters for financial Aid in accordance with section 57 of the Act and submit its report in the next coming General Body meeting.

Chapter 11

Miscellaneous

129. A Member of the Bar Council shall vacate his seat if he –
- a) resigns from his seat by delivering his resignation to the secretary and the resignation shall be effective from the time it is so delivered; or
 - b) is removed from the roll maintained by the Bar Council and Pakistan Bar Council.
130. A Member of 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 of his remaining term as a Member.
131. A Register shall be maintained with respect to the disciplinary proceedings and all the records of the disciplinary proceedings shall be preserved till they are ordered to be destroyed by the Bar Council.
132. All the parties to proceedings shall be entitled on payment of the prescribed fee to certified copies of all proceedings before the Bar Council or the Tribunal or any Committee of the Bar Council. Any other person interested may subject to the orders of the Chairman Executive Committee be supplied with a certificate or any such proceedings as is mentioned. A fee of Rs. 10/- per page shall be charged for the certified copies.
133. All applications filed in the disciplinary proceedings by any party shall be accompanied by a payment of Rs. 200/- except in case of an application filed by Advocate General or any Advocate appearing on his behalf.
134. An Advocate appearing before the Bar Council or before any Tribunal or Committee of the Bar Council except the Advocate General or an Advocate appearing on his behalf shall file a power of Attorney along-with a deposit of Rs. 100/-.

9	Whether or not he/she holds any appointment under Government & if so, the nature of appointment?	
10	Whether or not he/she engaged any business in Pakistan & if so, the nature thereof & the place at which it is carried on?	
11	Whether he/she had declared insolvent?	
12	Whether he/she has been dismissed from service of the Government or a public statutory corporation and if so, dates & reason thereof?	
13	Whether he/she has been convicted of any offence, if so, the date & particular thereof?	
14	Whether he/she is enrolled as an Advocate on the roll of any other Pro: Bar Council?	
15	Whether his/her application for enrolment has previously been rejected by the other Provincial Bar Council?	
16	Gap Period Affidavit	
Note: Statement From S.no7 to16 should be dually supported by Affidavit/Undertaking.		

FORM 'B'

CERTIFICATE OF TRAINING

I, _____ Advocate do hereby certified that
Mr/Miss/Mrs. _____

Son/Daughter _____

Had training with me for a period of Six (6) Months W.E.F _____ to _____ in accordance with Chapter 5 that at time when I took him/her as pupil, I had been entitled to practice as an Advocate for a period of not less than ten (10) years.

That I did not have more than three (3) Pupils during the time of his/her pupillage.

That I was practicing at the Bar during the whole period of pupillage and the written intimation as to his/her having joined me as pupil signed by both of us had been sent to the Bar Council within one month of the commencement of pupillage.

Dated: ____ / ____ / ____

Signature of Advocate: _____

Note:- The Advocate shall specify in the certificate or as a separate annexure there to at least ten cases in which he has assistance of the person who was in his pupillage.

LIST OF CASES

S.No	Title of Case	Nature of Case	Name of Court
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

FORM "C"

Khyber Pakhtunkhwa BAR COUNCIL

I, _____ Secretary of the Khyber Pakhtunkhwa Bar Council, do hereby certify that _____ son/daughter/wife of _____ resident of _____ enrolled on _____ has paid the Annual fee for the year _____ as provided under the Khyber Pakhtunkhwa Bar Council Rules, 2010 and is entitled to practice during the year _____ in the Court subordinate to the Peshawar High Court, Peshawar.

Seal. By Order of the Secretary, Bar Council.

FORM "D" No.....

Khyber Pakhtunkhwa BAR COUNCIL

I, _____ Secretary of the Khyber Pakhtunkhwa Bar Council, do hereby certify that _____ son/daughter/wife of _____ who is an Advocate on the Rolls of the Khyber Pakhtunkhwa Bar Council has paid a sum of Rs. _____ as additional fee for permission to practice before the Peshawar High Court, Peshawar.

Given under my hand and the common seal of the Khyber Pakhtunkhwa Bar Council this _____ day of _____ 200

Seal. By Order of the Secretary, Bar Council.

FORM "E"

Cash Book

BANK CASH BOOK

1	2	3
Date of remittance	particulars of depositor	Amount deposited

4	5	6	7
Name of Bank	Folio	Amount remitted	Total

General Cash Book,

Page No.....

CASH ACCOUNT OF _____ FOR THE MONTH OF _____ 200

1	2	3	4	5
Month/Date	Receipt	Folio	Amount	Total

FORM "F"

Annual Account for the year _____

Description		Income
1. Fees:		
(a)	Enrolment Fees	_____
(b)	Fee for permission to practice in High Court	_____
(c)	Renewal fee	_____
(d)	Miscellaneous fee	_____
2.	Grant	
3.	Donations.	
4.	Subscriptions.	
	Total income opening balance	_____
	Total expenditure closing balance	_____

SIGNATURE OF THE SECRETARY

Description		Expenditure
1.	Establishment	
2.	Auditor	
3.	Contingencies	
4.	Miscellaneous	
	Total expenditure	_____
	Signature of the Chairman	_____

KHYBER PAKHTUNKHWA BAR COUNCIL

NOTIFICATION

Peshawar, Dated _____ 2010

No_____.- In exercise of the powers conferred by section 56 of the Legal Practitioners and Bar Council Act, 1973 (Act XXXV OF 1973) read with section 62 thereof, the Khyber Pakhtunkhwa Bar Council hereby makes the following rules, namely:

THE KHYBER PAKHTUNKHWA ADVOCATES BENEVOLENT FUND RULES,2010

CHAPTER 1 **PRELIMINARY**

1. (i) These rules may be called Khyber Pakhtunkhwa Advocates Benevolent Fund Rules, 2010.
(ii) These Rules shall come into force at once.

2. (i) 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) "Advocate" means an advocate whose name as such appears on the roll of Khyber PakhtunKhwa Bar Council under the provision of Act;
 - c) "Bar Council" means the Khyber Pakhtunkhwa Bar Council ;
 - d) " Committee" means the Benevolent Fund Committee provided in section 14 of these rules ;
 - e) "Vice Chairman" means the Vice Chairman of Bar Council ;
 - f) "Chairman" means the Chairman of the Benevolent Fund Committee ;
 - g) "Contribution" means contribution as provided under these rules ;
 - h) "Form" means a Form appended to these Rules ;
 - i) "Nominee" means a person or persons nominated by an Advocate under these Rules ; and
 - j) " family" means legal heirs of the deceased Advocate according to his personal law.

- (ii) Words used but not defined shall have the same meanings as are assigned to them under the Act.

CHAPTER 2

ESTABLISHMENT OF THE FUNDS

3. There shall be established a Benevolent Fund to be called the Khyber Pakhtunkhwa Advocates Benevolent Fund (herein after called "the Fund"), comprising as under :
- a) Advocates (Security) Benevolent Fund (hereinafter called "Security Fund"); and
 - b) Advocates (Relief) Benevolent Fund (hereinafter called "Relief Fund").
4. The Advocate at the time of joining or rejoining the profession shall pay the amount given in the schedule as first installment as per their age.

Age(Year)	B. Fund	Age(Year)	B. Fund
21 To 25	3000	61	111000
26	6000	62	114000
27	9000	63	117000
28	12000	64	120000
29	15000	65	123000
30	18000	66	126000
31	21000	67	129000
32	24000	68	132000
33	27000	69	135000
34	30000	70	138000
35	33000	71	141000
36	36000	72	144000
37	39000	73	147000
38	42000	74	150000
39	45000	75	153000
40	48000	76	156000
41	51000	77	159000
42	54000	78	162000
43	57000	79	165000
44	60000	80	168000
45	63000	81	171000
46	66000	82	174000
47	69000	83	177000
48	72000	84	180000
49	75000	85	183000
50	78000	86	186000
51	81000	87	189000
52	84000	88	192000
53	87000	89	195000
54	90000	90	198000
55	93000	91	201000

56	96000	92	204000
57	99000	93	207000
58	102000	94	210000
59	105000	95	213000
60	108000	96	216000

5. Keeping in view the income of junior Advocate a rebate of 25% to annual contribution shall be given to the Advocate of less than 30 years of age.
6. Advocate who have attended the age of superannuation (60) years shall pay annual contribution to the fund with the rebate of 25%:
7. Whoever makes a false statement shall be guilty of cheating and professional misconduct, and the amount deposited by him shall stand forfeited besides any other punishment as provided under the law.
8. If a person completes apprenticeship period and submit the Form "B" provided in the Khyber Pakhtunkhwa Legal Practitioners and Bar Council Rules,2010 along-with requisite fee on the date of completion period and at the relevant time he is falling in the category of lower age group and shall be treated as person falling in the said age group.
9. Every Advocate, who is Member of the Fund shall pay annual contribution, in advance by 31stDecember of each year.
10. An Advocate who does not contribute to the Fund at the specified date shall pay Rs. 50/- per month as late fee, maximum whereof shall be Rs.300/-.[..][word 'per annum' deleted vide Notification No 1096/KP/BC dated:17-8-2013]
11. Advocate who does not contribute and remains defaulter in terms of section 62 read with section 34 (4) of the Act, said Advocate shall loose all his rights to the claims of Fund and other rights and privileges under the Act and Rules. His legal heirs shall also not be entitled to refund of already deposited contribution. [Amended vide Notification No 1096/KP/BC dated:17-8-2013]
12. Out of contribution of Rs. 3000/-, 10% shall be credited to the sub head of Relief Fund and the remaining balance shall be credited to the Security Fund.
13. *[If any Advocate fails to contribute and defaults in terms of section 62 read with section 34 (4) of the Act, he shall be served with a notice through president of concerned Bar Association for deposit of the arrears within prescribed period. The president of concerned Bar Association shall display the said notice on the notice board of the Bar Association and also shall inform the*

defaulter advocate of the same and thereafter the president shall submit his written report to the Bar Council within 15 days to this effect, failing which the president of concerned Bar Association will be liable to disciplinary action. In case of failure of the defaulter advocate to make good the default within a period of 30 days of notice, his name shall be struck off from the roll of Bar Council and he shall not be entitled to practice as an advocate in any court of Law.

Provided that after receipt of notice by the president of the concerned Bar Association and affixation of the same on the notice board of the concern bar association and information delivered to defaulter advocate shall be presumed as properly served and the service of the notice shall not be questioned in any manner.

Provided further that after striking off the name of defaulter advocate from the Roll of Bar Council, the Registrar Peshawar High Court, Peshawar and the concerned District and Sessions Judge, Senior Civil Judge and president Bar Association shall be informed accordingly, to restrain the said advocate from making appearance in the courts and tribunals as an advocate.] [Amended vide Notification No 1096/KP/BC dated:17-8-2013]*

Provided further that if any false information in respect of incapacitation case or death case supplied by the concerned President Bar Association, shall be liable for disciplinary action in accordance with law.

14. To the credit of the funds shall be placed-
 - i. all the sums paid by the Advocate as contribution to the Fund; and
 - ii. all grants made by the Federal or provincial Government autonomous bodies, organization, institutions or other authorities.

CHAPTER 3

ACCOUNTS AND AUDIT

15. The funds shall be managed by a Committee which shall function under the supervision and control of the Bar Council.
16. The receipts and expenditure shall be separately entered in respect of Security Fund and the Relief Fund and a cash be maintained in the manner provided by the Khyber Pakhtunkhwa Bar Council Rules, 2010.
17. The funds shall be kept in such bank or invested in such securities as may be approved by the Bar Council.

18. The bank account shall be operated by the Vice Chairman and Secretary of the Bar Council jointly.
19. The account shall be audited in the manner prescribed by the Khyber Pakhtunkhwa Bar Council Rules, 2010.
20. The audited annual statement of accounts of the funds shall be laid before the meeting of the Bar Council held after first March every year; provided that the Bar Council may examine the accounts at any time it deems fit.

CHAPTER 4

ADVOCATES (SECURITY) BENEVOLENT FUND

21.
 - (i) If an Advocate dies, his/her legal heirs or nominee under this Chapter, on the production of death certificate attested by concerned Member of Bar Council, where the deceased was ordinarily practicing, may make a claim in writing to be paid a sum of 500,000/- (Five Lacks).
 - (ii) An Advocate joining or rejoining/ resuming on or after 40 but not later than 50 years of his age, dies, his legal heirs or nominee under this chapter may make a claim in writing to be paid a sum of Rs. 300,000/- (three lacks) in accordance with subrule (i) of this rule.
 - (iii) An Advocate joining or rejoining/ resuming on or after 50 but not later than 60 years of his age, dies, his legal heirs or nominee under this chapter may make a claim in writing to be paid a sum of Rs. 250,000/- (two lacks fifty thousand) in accordance with subrule (i) of this rule.
 - (iv) An Advocate joining or rejoining/ resuming on or after 60 years of his age, dies, his legal heirs or nominee under this chapter may make a claim in writing to be paid a sum of Rs. 200,000/- (two lacks) in accordance with subrule (i) of this rule.

Provided that implementation of subrules (ii), (iii) and (iv) supra shall have no retrospective effect.

22. On the death of an Advocate, the amount of Security Fund shall be paid to his legal heirs or nominee as he had nominated, or the share specified by him at the time of making of nomination.
23. Where no valid nomination made by the Advocate subsists at the time of his death, the payment from the Security Fund shall be made for the maintenance and benefit of legal heirs as under:
 - a) If the legal heirs of the deceased Advocate agreed to nominate any one of them to receive the payment, the payment shall be made to him; and
 - b) If there is no such agreement, the payment of all is made to his legal heirs in proportion to their share in accordance with the personal law of the deceased Advocate.
24. In case of controversy about the date of birth, date of death or any other disqualification or otherwise of an Advocate, the committee may inquire the matter through any member of Bar Council and decision of the Bar Council thereon shall be final.
25. The Bar Council shall at least once a year examine the finances of the Security Fund and as a result of such examination may increase or decrease the contribution payable under rule 4 or may increase the amount payable under rule 20.
26. If contributor (Advocate) is declared to be permanently incapacitated by the Standing Medical Board, considered fit by the Committee after personal examination of the contributor (Advocate), subject to the approval of the Bar Council, may be given 1/5th of the Security Fund, and the rest will be given to his legal heirs or nominee after his death.

Provided that the person so declared and has been released the 1/5th of Security Fund in his favour, shall be exempted from deposit of installments of Fund contribution.

CHAPTER 5

ADVOCATES (RELIEF) BENEVOLENT FUND

27. An application for payment out of the Relief Fund, verified by the president of the Bar Association of the place where the applicant ordinarily practices and recommended by the concerned Member of Bar Council, may be made by the Committee for the purpose specified in section 62 of the Act.

28. Upon receipt of an application under rule 26, the Committee shall after making such inquiry, as it may consider necessary, recommend payment of such sum as it thinks fit out of the Relief Fund either in lump sum or in periodical installments. Payment shall be made after approval of the Bar Council.
29. Subject to availability of funds, no Advocate shall be paid more than Rs. 10,000/- at a time under this Chapter:

Provided that the Bar Council may under special circumstances allow payment of an amount not exceeding Rs.20, 000/- at a time.

CHAPTER 6

NOMINATION OF BENEFICIARIES FOR THE ADVOCATES (SECURITY) BENEVOLENT FUND

30. Every Advocate may make a nomination conferring on one or more Members of his family if any, out of the family, the right to receive in the event of his death, a specified share from the Security Fund.
31. The Advocate may provide in the nomination that in the event of any nominee pre-deceasing the Advocate, the right conferred upon that nominee shall pass to such other Member or Members of the Advocate's family as he may specify in the nomination.
32. The nomination in respect of all or any of the nominees shall become void in the event of the happening of any contingency specified therein.
33. An Advocate may at any time cancel his previous nomination and make a fresh nomination.
34. Every nomination made by an Advocate shall be attested by a Member of the Bar Council and the president of the Bar Association, where the Advocate ordinarily practices.

CHAPTER 7

MISCELLANEOUS

35. Every Applicant/Advocate shall along-with his first contribution due under these rules make an application for registration in Form "A".

36. A register containing the names of Advocates shall be maintained in Form "B" provided that the name of an Advocate who fails to make his contribution in time shall be struck off from the Register and he shall not be entitled to any benefit/privileges under the Act and Rules.
37. A claim under Chapter IV shall be in Form "C".
38. An application under Chapter V shall be in Form "D".
39. A nomination or a fresh nomination under Chapter VI shall be in Form "E"

CHAPTER 8

40. The Benevolent Funds Rules, 1974 are hereby repealed.
41. Notwithstanding the repeal of the Benevolent Funds Rules, 1974 those who had already availed the facility under the repealed rules be entitled to rest of the security under the repealed rules.

FORM "A" NO-----

APPLICATION FOR REGISTRATION AS CONTRIBUTOR TO THE KHYBER PAKHTUNKHWA ADVOCATE'S BENEVOLENT FUND UNDER RULE 35

Name
Father's/husband's name
Date of birth
Date/year of enrolment as an Advocate
Date/year of enrolment as Advocate High Court
Ordinary place of practice
Name of Bar Association of which applicant is Member
Date of application.

SIGNATURE

FORM "B"

REGISTER OF BENEVOLENT FUND UNDER RULE 36

District
Name of Advocate
Father's/husband's name
Date of birth
Date/year of enrolment as an Advocate
Date/year of enrolment as Advocate High Court
Ordinary place of practice
Bar Association of which applicant is Member

Registered No.

Nominee, if any _____
Claim under Relief Fund _____
Decision on claim _____
Payment from Security Fund _____
Remarks _____
Particular of payment:

FORM "C"

Claim under Rule 37

Name of Advocate _____

- (i) Date of Death. (Attach-Death Certificate attested by the Member, Khyber Pakhtunkhwa Bar Council/President Bar Association)---
(ii) Date of incapacity wit particulars. (Attach Medical Certificate of Medical Authority). Name of nominee, if any-----, if no nominee, name of person to whom payment is to be made-----

SIGNATURE

FORM "D"

Claim under Chapter V under Rule 38

Name of Advocate _____

Amount of payment sought _____

Reason for seeking payment _____

Voluntary contribution made to date if any _____

Recommendation of Member, Bar Council/President of Bar Association _____

SIGNATURE

FORM "E"

Nomination For under Rule 39

Name of Advocate _____

Name of nominee _____

Share of nominee _____

Condition, if any _____

Attested: Member, Khyber Pakhtunkhwa, Bar Council/President, Bar Association.