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**THE BALOCHISTAN LEGAL PRACTITIONERS
AND BAR COUNCIL RULES 2001.**

**(FRAMED BY BALOCHISTAN BAR COUNCIL IN ITS
MEETING HELD ON 31-12-2003)**

CHAPTER I – PRELIMINARY.

- 1.1 These Rules may be called the Balochistan Legal Practitioners and Bar Council Rules, 2001.
- 1.2 They shall come into force at once.
- 1.3 In these Rules unless there is anything repugnant to the subject or context:-
- (a) “Act” or “The Act” means the Legal Practitioners and Bar Council Act, 1973 (Act xxxv of 1973);
 - (b) “Bar Council” means “Balochistan Bar Council”.
 - (c) “Bar Association” means a Bar Association recognized as such by the Bar Council;
 - (d) “Chairman” in relation to Balochistan Bar Council means Chairman of the Balochistan Bar Council & in relation to any committees, the Chairman of that committee.
 - (e) “Committee” means a Committee constituted under the “Act” or the rules.
 - (f) “Form” means form appended to these Rules & include any other form approved by the Balochistan Bar Council or its committee.
 - (g) “Member” means a member of the Balochistan Bar Council elected as such under Section 5, or who fills the vacancy of an elected member under section 16 (b) of the Act xxxv of 1973.
 - (h) “Rules” means the Balochistan Legal Practitioners and Bar Council Rules, 2001.
 - (i) “Secretary” means the person appointed as Secretary of the Bar Council and includes any other persons to whom all or any of the

functions of the Secretary are for the time being entrusted by the Bar Council or the Chairman;

- (j) “Section” means a section of the Act;
- (k) “Voter” means an Advocate whose name for the time being appears on the Balochistan Provincial Roll & no dues of Bar Council are outstanding against him and Roll means the documents maintain by the Balochistan Bar Council.
- (l) “Vice Chairman” means the Vice Chairman of the Bar Council elected under Section 6 of the Act.

1.4 The terms defined herein shall, wherever the context so permits have the same meaning as is assigned to them under the Act.

CHAPTER II – MEETINGS.

2.1 The first meeting of the Bar Council shall be held within a month of the commencement of the term of the Bar Council.

2.2 Ordinary meetings of the Bar Council may be convened by the Chairman, or in case he is for some reason unable to act, by the Vice-Chairman.

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

2.3 The Chairman and in his absence the Vice Chairman shall convene a meeting of the Bar Council requisitioned by at least two members within seven days of the requisition but in case of emergency the requisitioned meeting shall be convened within three days. In case the requisitioned meeting is not convened within the prescribed time, the requisitionists may convene the requisitioned meetings and all expenses incurred in that behalf shall be borne by the Bar Council.

2.4 Notice required for a meeting of the Bar Council shall be of five days and for meeting of a Committee, of three days.

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

- 2.5 Quorum for a meeting of the Bar Council shall be of 2/3 of its members and for a meeting of a Committee shall unless otherwise provided be of two members.

Provided that when a meeting of the Bar Council cannot be held for want of quorum, it shall stand adjourned to the next day or any other date as may be decided by the Chairman, however, on the next adjourned meeting Quorum would not be required.

- 2.6 A meeting of the Bar Council shall be presided over by the Chairman, in his absence by the Vice Chairman, and in the absence of both by a Member voted to the Chair by the Members present. A meeting of a Committee shall be presided over by the Chairman of the Committee or in his absence, by a Member voted to the chair by the Members present.

- 2.7 Business at a meeting shall be transacted in accordance with the agenda issued.

Provided that any other business, may with the permission of the Chairman of the meeting, be considered, provided further that if the majority of the Members present agree to this effect.

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

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

- 2.10 All proceedings of a meeting shall be entered in the 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 and shall be put up for confirmation at the next ensuing

meeting. All members of the Bar Council or the Committee, as the case may be, shall be entitled to the inspection of the Minute Book at all reasonable times.

- 2.11 Any matter determined by a resolution of the Bar Council shall not be re-opened within three months of the date of the resolution unless two third of the total number of Members make a requisition in writing to that effect.

CHAPTER III – CHAIRMAN, VICE CHAIRMAN AND SECRETARY.

- 3.1 The Chairman shall be responsible for ensuring the compliance with the provisions of the Act and the Rules. He shall exercise the powers and perform the functions assigned to him by the Act and the Rules.
- 3.2 The Vice Chairman shall have the responsibility and powers of the Chairman under these rules, and shall discharge the functions of the Chairman only in case the Chairman is incapable in acting. He shall be ex officio member of every Committee constituted under rule 4.1, and shall be responsible for Coordinating the functioning of all committees.
- 3.3 There shall be a Secretary of the Bar Council to be appointed by the Bar Council. In case of emergency, the Chairman may nominate any person to discharge the functions of the Secretary till the next meeting of the Bar Council when the matter will be placed before it.
- 3.4 Subject to the provisions of the Act and the Rules the Secretary shall, under the supervisory control of the Executive Committee, exercise such powers and such functions as may be entrusted to him by the Bar Council.
- 3.5 Notice of the meetings of the Bar Council and of its committees shall be issued by the Secretary.

CHAPTER IV – COMMITTEES.

- 4.1 Any Committee constituted by the Bar Council under section 10(3) should not comprise of more than three Members, including the Chairman of the Committee.
- 4.2 The Bar Council shall constitute the following Committees:
Law Reform Committee, Legal Education Committee, Rules Committee, Finance Committee, Benevolent Fund Committee, Privileges Committee, Law Journal Committee, Library Committee and Examination committee. Human Rights Committee, Anti Corruption Committee or any other Committee as may required.
- 4.3 The Chairman of every Committee constituted under Rule 4.1 shall unless elected by the Bar Council, be elected by the Members of the Committee concerned.
- 4.4 The terms of every Committee shall be the same, as the term of the Bar Council itself, unless the Bar Council, when constituting determine otherwise.
- 4.5 Meeting of a Committee may be convened by the Chairman of the Committee and such meeting shall also be called on requisition by a Members of the Committee.
- 4.6 If in the opinion of the Vice Chairman of the Bar Council, it is necessary or expedient to obtain views of its members and their decision by circulation, he may circulate the resolution or report to all its members and if the majority of its members to a minimum requirement of the quorum of the Bar Council support a resolution or subscribe to a report, it will be deemed to be a resolution or report as the case may be of the Bar Council & same will be the procedure for the committees but instead of Vice Chairman, the Chairman of the Committee will have the powers.
- 4.7 Rules of procedure of meetings of Bar Council shall apply mutatis mutandis to the meetings of the Committee, but a Committee, with the

approval of the Chairman of the Bar Council, may make supplementary rules of procedure, not inconsistent with these rules.

4.8 Unless otherwise directed by the Bar Council, every Committee shall submit report of its proceedings to the Bar Council 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 each proposal should be set out;
- (c) a detailed statement should be set out of the date upon which the Committee has applied its mind and the conclusion arrived at as a result of such consideration and further where ever opinions elicited the substance or the opinion and the analysis thereof;
- (d) a resolution setting for the recommendations which the Committee adopts shall be forwarded with the Report;
- (e) the opinion of the Committee can be dissented from any Member of the Committee and he may append a note of dissent which shall form part of the Report.

4.9 Every Committee constituted under rule 4.1, shall present to the Bar Council before the end of every quarter a report of its working for approval.

4.10 The Bar Council may assume to itself the functions and powers of any such Committee that either fails to present a quarterly report or is not, in the opinion of the Bar Council discharging its functions, where after a new Committee shall be constituted by the Bar Council.

4.11 **Executive Committee.**

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 the Rules, have the following functions and powers:-

- (a) To supervise and deal with all matters regarding administration of the Bar Council;
- (b) To recommend to the Bar Council the qualifications, terms and conditions of the staff of the Bar Council;
- (c) Subject to the approval of the Bar Council at its next ensuing meeting to appoint, suspend, remove and dismiss the staff of the Bar Council: Provided that no drawing salary above Rs.5000/- per mensem shall be made by the Executive Committee without prior approval of the Bar Council: Provided further that in case of emergency the Chairman of the Executive Committee may exercise these powers;
- (d) To implement the decisions of the Bar Council;
- (e) To receive and in consultation with the Vice Chairman and the Members of the District concerned, deal with the representations and complaints by or against the Advocates and resolutions of the Bar Association in relation to the Courts and the Executives. The action taken under this clause shall be laid before the Bar Council at its next meeting;
- (f) In consultation with the Vice Chairman and Member of the District concerned, to mediate disputes between Advocates inter se, between the Advocates and the Bar Association or between the Bar Associations inter se;
- (g) To constitute sub-committees and to entrust such of its functions thereto as may be necessary;
- (h) To advise the Bar Council in all matters relating to its functions;

- (i) 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 and 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 Vice-Chairman. The information in regard to this matter will be laid before the Bar Council in its next meeting; and
- (j) To perform such functions as the Bar Council may entrust to it.

4.14 **Fund.** All the moneys received by or on behalf of the Bar Council shall be credited to Fund of the Bar Council and shall be kept in such bank or banks as the Bar Council may from time to time specify. Bank accounts shall be operated in such manner as the Bar Council may by a resolution determine.

4.15 **Budget.** An annual Financial Statement in respect of every financial year containing a statement of the estimated receipt and expenditure for that year as approved by the Executive Committee shall be laid before the Bar Council for authorisation and sanction.

4.16 **Supplementary Budget.** If in respect of any financial year it is found that the amount authorised to be expended for a particular service for the current financial year is insufficient or that a need has arisen for expenditure upon some new service not included in the Annual Financial Statement for that year or that any money has been spent during a financial year in excess of the amount granted for that service for that year, the Chairman shall have power to authorise expenditure from the Fund of the Bar Council and a supplementary Financial Statement shall with a report, if any, of the Executive Committee thereon, be laid before the Bar Council for authorisation and sanction.

4.16 **Statement of Accounts.** Account Books shall be maintained in due course wherein all receipts and disbursements shall be duly entered;

statements of accounts shall be prepared at each quarter and placed before the Executive Committee and the Bar Council at the first meeting after the same is ready.

4.17 **Audit Report.** The Account Books so maintained shall be audited by a chartered Accountant and a detailed audit report, along with such remarks as the Chartered Accountant deems necessary to make, shall be laid before the Executive Committee at least fifteen days before the date of the meeting of the Bar Council in the beginning of a financial year or as soon as possible thereafter at which meeting, it shall be laid before the Bar Council along with a report, if any of the Executive Committee.

CHAPTER V – ENROLMENT OF ADVOCATES.

5.1 Any person qualified for admission as an Advocate under Section 26 of the Act may make an application in Form “A” to the Bar Council if he proposes to practise generally within the jurisdiction of the Bar Council. All such applications shall be placed before an Enrolment Committee concerned.

5.2 The application shall be accompanied by:-

- (a) Satisfactory evidence of the applicant’s date of birth.
- (b) Satisfactory evidence of qualifications under section 26 of the Act.
- (c) Two testimonials from the senior Advocates at last having 10 years’ experience 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 misconduct were instituted against him anywhere and if so, with what result.
- (e) An application made by a person who was in service shall not be considered without providing of final order of the institution where

he last served, in case he is removed from the service, due to any reasons, he has to produced the relevant documents.

Receipt of payment of a fee for the following age groups.

In addition to the amount of Rs. 5000/- towards Benevolent Fund as mentioned above a trainee advocate joining the profession shall also pay:

- a) Rs. 2000/-..... In favour of Balochistan Bar Council on prescribed yellow challan Enrolment fee.
- b) Rs. 1300/-.....In favour of Balochistan Bar Council towards Balochistan Bar Council license and Identity Card fee.
- c) Rs. 500/- In favour of PAKISTAN BAR COUNCIL, on their prescribed challan form.
- d) Fee in favour of Balochistan Advocates Benevolent Fund on prescribed Form, in the following manner:-
 - i) Rs. 5000/- Up to the age of 30 years.
 - ii)Rs. 10000/- above the age of 30 years and upto the age of 35.
 - iii)Rs.20000/- above the age of 35 years and upto the age of 40.
 - iv)Rs.30000/- above the age of 40 years and upto the age of 45.
 - v) Rs.50000/- above the age of 45 years and upto the age of 50.
 - vi)Rs.70000/- above the age of 50 years and upto the age of 55.
 - vii)Rs.90000/- above the age of 55 years and upto the age of 60.
 - viii)Rs.150000/-above the age of 60 years and upto the age of 65.
- (e) An undertaking that he would become a member of a Bar Association within six months after his enrolment;
- (f) List of cases in which he has assisted his senior duly signed by the senior giving the nature of each case;
- (g) An attested copy of passport size photograph;

- (h) An affidavit stating as to what the applicant was doing during the period of gap in between his academic examination and the application made u/s 26 of the Act, with an undertaking that he will not indulge in any other profession or sit idle, and in that case the Bar Council is entitled to withdraw his license and may initiate any other proceedings also. Keeping in view the merit of the case.
- (i) A character and good conduct certificate from the employer if he had been in service anywhere;
- (j) A certificate of training from the senior in form 'B' Explanation; with an affidavit that the apprentice has remained in his pupillage only. The date of birth recorded in the Matriculation Certificate shall be presumed to be correct unless determined otherwise by the Bar Council;
- (k) a deposit of Rs.5000/- P.A as Benevolent Fund contribution by person joining profession below the age of 30 years.
- (M) No application of a person having more than 65 years of age shall be entertained unless the Bar Council decides otherwise.

5.3 (I) Every apprentice (except a person mentioned in Rule 5.4 infra), shall before being admitted as an Advocate, have taken training regularly for a continuous period of six months as a trainee in the Chamber of an Advocate, who has been pleader or an Advocate for a period of not less than ten years and is enrolled in this Bar Council.

A trainee may take training with more than one Advocate for a total period of six months which are substantially continuous. Intimation signed by the Advocate and the trainee, about joining such Advocate should be sent to the Secretary within one month of the commencement of training. In case the intimation is not received within the prescribed time, the period shall run from the date of receipt of intimation in the Bar Council's office.

Provided that a trainee may begin his training immediately after taking the LL.B. Examination as well as successfully complete his Law-Gate Test.

Provided further that no Advocate shall take more than three trainees at a time and in case he has more than three trainees at any particular time, then the first three in the order in which they were taken, shall be regarded as trainees.

(ii) An Advocate with whom a person received training in accordance with sub-rule (i) of Rule 5.3 shall give a certificate in form "B" & an affidavit attached to these rules, and shall specify in the certificate or as a separate annexure thereto, at least 10 cases in which he had the assistance of the trainee indicating title, nature of the case and giving summary of each case.

(iii) An Advocate, who gives a false certificate and an affidavit in this behalf shall be guilty of professional misconduct, as such, proceedings can be initiated against him.

(iv) Every applicant applying for admission as an Advocate shall have to pass Examination in addition to a written and viva voce under the direction and supervision of Enrolment / Examination Committee, in the following subjects: -

Part-I.

Civil Procedure Code.

Part – II.

Criminal Procedure Code.

Part – III.

Qanoon –e- Shahadat Order 1984.

Part – IV.

Constitution of Islamic Republic of Pakistan.

Copies of the constitution, Bare Acts and the rules shall be made available to the applicants at the time of examination. The examination shall be held on such date and place as may be determined by enrolment committee.

5.4 The following persons may be recommended, to be exempted to the Executive Committee of High court from training and examination provided in Rule 5.3 supra: -

- (1) applicant who has received, an LL.M. degree from any university in Pakistan or a university recognized under section 26(i)(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 entitles them to appear independently in Courts in England;
- (4) applicants who after having been enrolled as practising lawyers in any place not within Pakistan, have to the satisfaction of the Enrolment committee of the Bar Council concerned, practised there for complete one year.

5.5 All applications for admissions as an Advocate of the High Court shall be accompanied by:-

- a) An affidavit in respect of duration of practice in the Courts Subordinate to the High Court;

- b) Two Certificates from Advocates of the High Court having at least ten years experience of the said court as to his being fit person to be admitted as an Advocate of the High Court.
- c) A receipt of the payment of a sum of Rs. 8,000/- or any other amount prescribed in this regard;
- d) List of cases conducted by the applicant from the date of his enrolment as an Advocate of the subordinate courts to the date of his application;
- e) Certificate from the President of Bar Association concern that the applicant had been regularly practising before the subordinate courts;
- f) An application made by a person who was in service, shall also accompany a copy of final order & a certificate from the concerned Department stating there in that he has not been removed from the service because of any allegation, and in case there were allegations, all relevant copies of the same be supplied.

Provided that such persons shall not be considered entitle unless the Bar Council agrees so.

- g) A deposit of an amount as per chapter V as contribution, or otherwise for enrolment under section 27(c) of the Act.

5.6 The Secretary shall before forwarding the application to the Enrolment Committee ensure that the applicant is qualified and not disqualified in terms of Section 26 and 27 of the Act, and the Enrolment Committee shall, before granting the application, ensure that the applicant has undergone such training and passed such examination as may be prescribed.

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

5.8 The Enrolment Committee shall dispose of the application within six weeks of the receipt of the application.

5.9 Where an Enrolment Committee of Bar Council grants the application, a Certificate of Enrolment shall be issued to the applicant in the prescribed form.

5.10 Where the Enrolment 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.

5.11 The Enrolment Committee may refuse to enroll a person otherwise Qualified, on the grounds having tendency of criminal attitude, black mailing or his indulgence in mal-practices and on the basis thereof have been terminated or relived from government service.

5.12 An Advocate on the role of one Provincial Bar Council may apply for being placed on the roll of the Balochistan Bar Council, subject to the payment of Rs. 10,000/- apart from all other dues and sum as are payable under the rules and furnishing of No Objection Certificate from the said Bar Council.

Provided that a note shall be made against his name in the roll of the Balochistan Bar Council that he is already on the roll of another Bar Council.

5.13 That Secretary shall issue a receipt for payment of Annual fee for Renewed License in Form 'C' to every Advocate paying annual fee, and a Certificate in Form 'D' to every Advocate permitted to practise before the High Court.

5.14 (i) Every practising advocate must possess identity card issued by the Balochistan Bar Council.

(ii) Every Advocate of the High Court will be issued a permanent identity Card by the Balochistan Bar Council.

(iii) There shall be two types of identity cards of different colours for advocates of the Lower Courts and High Court.

(iv) Every Advocate of the Lower Court will be issued identity card annually showing thereon the period of expiry of renewed licence OR,

Shall be issued identity card as a miniature of his renewed licence with photograph affixed thereon.

(v) The identity card to be issued to the Advocate of the High Court shall bear the following particulars.

1. **Registration number.**
2. **Name.**
3. **Father's Name.**
4. **Date of Birth.**
5. **Date of Enrolment as an Advocate of the High Court.**
6. **Ordinary place of practice.**
7. **Signature of the Advocate.**
8. **Photograph.**
9. **Signature of the issuing authority Secretary + Chairman Executive Committee.**

(vi) The identity card to be issued to the Advocate of the lower court shall have the following particulars.

1. **Registration number.**
2. **Ledger No. (L.C)**
3. **Name.**
4. **Father's Name.**
5. **Date of Birth.**
6. **Date of enrolment.**
7. **Ordinary place of practice.**
8. **Signature of the Advocate.**
9. **Photograph.**

10. Valid upto 31st December of the ensuing year.

OR.

The miniature of the following licence with photograph to be dispatched to Advocate through VPP.

I, Secretary do hereby certify that Mr. _____ S/O, D/O, W/O _____ resident of _____ enrolled on _____ has paid the Annual fee for the year _____ and is entitled to practise during the year _____ in the courts subordinate to the High Court of Balochistsan.

**By the order of the Bar Council ,
(Secretary).**

(vii) Every practising lawyer whose name is appearing on the Roll of the Advocates maintained by the Balochistan Bar Council, shall be allotted registration number.

(viii) The Registration Number so allotted to a lawyer will be the number of the Benevolent Fund Scheme.

(ix) Every practising lawyer through out the Province shall obtain the identity card duly signed by the person/persons so authorized by the Bar Council on a payment of

(a) Rs. 300/- for lower court.

(b) Rs.500/- for High Court.

Provided that no identity card shall be issued to any lawyer unless he has cleared the Benevolent Fund dues and annual fee dues.

(x) Every practising lawyer throughout the Province of Balochistan shall apply to obtain identity card within 90 days from the date of enforcement of this scheme.

Provided that if an advocate fails to obtain his identity card within the time prescribed, his name shall be struck off from the Roll of Advocates after

giving him a reasonable opportunity of being heard on a notice under Section 34 of the Legal Practitioners & Bar Council Act.

(xi) All Advocates shall quote/print their registration number, so allotted, on their letter pads as well as on vakalatnamas.

(xii) Every lawyer, while exercising his right to vote in election of the Bar Council / Bar Association shall produce, on demand, his identity card and the Presiding Officers shall refuse his participation in the election on non production of the identity card. Provided further that he shall not be entitled to cast his vote unless his dues to the Bar Council & the Bar Association concerned are clear in all respect.

Provided further that no renewed licence and licence to practise in the High Court shall be issued to any Advocate if he had not applied for the issuance of the Identity Card and obtained the same.

5.15 An Advocate has to pay Rs.1000/- per Annum being annual fee, the Advocate who fails to pay the annual fee or any other fee or Contribution provided by the Rules by the 30th June of the preceding year shall pay a late fee of Rs. 100/- per month of delay subject to maximum of Rs. 300/- or such amount as may be prescribed in this regard.

5.16 A person who had been enrolled as a pleader by the High Court before coming into force of the Act irrespective of whether he was not entitled to appear before a court at the time when the Act came into force, shall be entitled to be enrolled as an Advocate on payment of a fee of Rs. 1000/- out of which Rs. 2000/- shall be enrolment fee and Rs. 1000/- annual fee which will enable him to practice till the 31st December of the year in which he deposits the fee.

5.17 The Advocate may apply that his licence 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 also for termination of such

suspension. An Advocate may apply that his name be altogether removed from the roll.

5.18 The Executive or the Enrolment Committee may suspend the licence of an Advocate, where it is established after due notice to the Advocate concerned that he has entered in Government employment or any other employment, business, vocation or profession not connected with law or who has failed to pay fee or contribution payable under the Act, or the rules or any other enactment or is found guilty of professional misconduct.

5.19 All disputes relating to seniority as an Advocate shall be determined by the Executive or the Enrolment Committee of the Bar Council. 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 Executive or the Enrolment Committee by pasting correction slips in the Roll.

5.20 All additions, alterations and corrections made in the Roll shall be communicated to the High Court within thirty days of the additions, so made, beside the effectives (if any) may also be informed.

CHAPTER VI – DISCIPLINARY PROCEEDINGS.

6.1 **Procedure for Complaint Against Advocate.** A complaint against an Advocate shall be filed with six copies and shall contain clearly the statement of allegation 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 made by a court or by a public servant acting in his official capacity, it shall also be supported by an affidavit as to correctness of facts stated in the complaint.

6.2 **Summary Dismissal.** For the purpose of deciding whether the complaint against an Advocate is to be summarily rejected, the complaint shall be placed before the Executive Committee which may unless it rejects it summarily,

ask the advocate to reply to the allegations and after inquiry may refer the matter to the appropriate Committee or Tribunal under section 41 of the Act.

6.3 **Reference Committee or Tribunal.** Where a reference is made to a committee or Tribunal under section 41 of the Act, all the relevant documents shall be forwarded alongwith the reference.

6.4 **Duration of proceeding before Committee.** A Committee to which a reference is made under section 41 of the Act, shall complete the proceedings before it within eight weeks of the receipt of the same and submit its report.

6.5 **Conduct of proceedings before Tribunal.** Before the Tribunal, the proceedings against an Advocate shall be conducted by the Advocate General or by an Advocate appearing on his behalf. The complainant shall also be entitled to appear in person, or through counsel, but the Advocate General shall have a priority to address the Tribunal first.

6.6 **Notice of complaint.** One receipt of a reference under section 41 of the Act, the Chairman of the Tribunal shall fix a 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 so fixed shall be served on the Advocate concerned as well as the Advocate General, along with copies of the record that have been forwarded to the Tribunal, so as to reach the Advocate as well as 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 complaint is not by a court or by a public servant acting in his official capacity. Notice of the dates should also be put on the Notice Board of the Bar Council.

6.7 **Reply by Advocate concerned.** The Advocate concerned shall be entitled to file a reply to the allegations against him whether or not he has already filed before the Bar Council. He shall deliver such reply alongwith six 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.

6.8 **Procedure before Tribunal.** The Tribunal shall determine the matter before it on oral evidence and on documents in accordance with the provisions of Qanoon-e-Shahdat Order 1984. The Tribunal shall follow generally and to the extent practicable the procedure provided for trial of suits in the Code of Civil Procedure, 1908, but the Tribunal shall also have power to call for or permit affidavits and allow documents to be proved by affidavits: Provided that the party affected by affidavit shall have the right to cross examine the deponent.

6.9 **The Advocate as witness.** The Advocate concerned shall be competent witness on his own behalf, and shall be liable, if he, appears as a witness, to be cross examined, but shall not be compelled to appear as a witness.

6.10 **Secretary of Tribunal.** The Secretary of the Bar Council shall be the ex-officio Secretary of the Tribunal and shall be responsible for service of notices issued by the Tribunal and for compliance with the rules in this Chapter.

CHAPTER VII – BAR ASSOCIATIONS.

7.1 Every Association of Advocates, whose membership consists of not less than 30 advocates, ordinarily practicing in the High Court of Balochistan or at the seat where the Court of District and Sessions Judge is available, shall apply to the Bar Council for recognition and registration of the Bar Association. The application shall be filed by the President or the Secretary of the Bar Association.

Provided that no application shall be entertained in respect to a place where there is already existing a recognised Bar Association.

Provided further that no body, Association or group by whatever shall be formed or cause to be formed by any Advocate or Advocates or a class of Advocates and whosoever he is or claims to be member or office bearer of such body, Association or group shall be guilty of professional misconduct.

7.2 The application shall be accompanied by following documents.

(i) Copy of the constitution, rules or bylaws made or adopted by the Association, provided that the constitution, rules or bylaws so adopted, shall not be in violation to the model constitution, rules and bylaws framed by the Provincial Bar Council.

(ii) Copy of resolution of the Association seeking recognition and registration of the Bar Association.

(iii) List of members of the Association giving full particulars of name, parentage, surname, address, date of enrolment and whether enrolled as advocate for subordinate court or the High Court.

(iv) Original signed attendance sheet of the members, who attended the meeting for adoption of new constitution, rules or bylaws.

(v) Receipt of payment / Bank demand draft of registration fee of Rs.5000/- (Rupees one thousand only).

7.3 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 a Bar Association. Such decision shall not take effect unless approved by the Bar Council.

7.4 The Bar Council shall decide the application for recognition of a Bar Association within six months of the submission of the application and in case it fails to decide the matter within this period, the members of that Bar Association may start its functioning temporarily till any order is made by the Bar Council.

7.5 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.

7.6 Where there are more applications than one for recognition from the same place, the Executive Committee shall decide as to which applicant Bar Association shall be recognized.

7.7 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.

7.8 The Bar Council through its Executive Committee has supervisory jurisdiction over all the Bar Associations in the Province as such any member of Bar Association aggrieved by an act or omission of the Bar Association including the election disputes may within one month of such act, omission or dispute appeal to the Executive Committee of the Bar Council where such act, omission or dispute violates the constitution of the Bar Association or infringes any right of the Advocate.

7.9 Every recognized Bar Association must furnish to the Bar Council by 31st December of every year, a list of its members entitled to practise as Advocates and as Advocates of the High Court alongwith the dates of their enrolment. A list of office bearers shall be furnished within a month of the annual elections.

7.10 No person shall practice as an Advocate unless he is member of a recognized Bar Association.

7.11 An Advocate may become member of more than one Bar Association.

7.12 An Advocate who is, or becomes, member of more than one Bar Association, shall (before 31st December) from the date of publication of these rules;

- (a) File one declaration each with one Bar Association in the District and the High Court Bar Association, where he proposes to exercise his right to vote.
- (b) Send copies of this declaration to the Bar Association of which he is a member.

However, the Balochistan Bar Council may, for sufficient reasons, extend the said period.

No Advocate shall file a fresh declaration before the expiry of three years from the said declaration.

An Advocate, who acts in violation of declaration shall be guilty of professional misconduct.

Provided further that the provision, as aforesaid, shall not apply to the membership of the Supreme Court Bar Association.

7.13 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 from the roll unless he establishes that he continues to be a member of any other recognized Bar Association.

7.14 It will be sufficient compliance with the requirements of Rule 7.10 if within six months of being enrolled as an Advocate, a person applies for being admitted as a member of such Bar Association and his application has not been dismissed.

7.15 The applicant shall, within six months of his enrolment as an Advocate, inform the Bar Council, of the date of his application for admission as a member of such Bar Association and shall forward a copy of the receipt of such application duly signed by the Secretary of such Bar Association. The licence of the Advocate who has not, without reasonable excuse, so intimated the Bar Council shall stand automatically suspended. Provided that it shall be restored on his showing reasonable cause for the failure.

7.16 Every Advocate whose application for admission as 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 a month of the communication to him of the order appealed against. The appellate authority may, for sufficient cause, condone the delay in the filing of the appeal, if any.

7.17 No removal of an 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 is for non payment of the dues of the Bar Association, or for misappropriation of the funds or the property of the Bar Association or for gross misconduct.

7.18 In case, the name of an Advocate is removed from the roll of members of a Bar Association he shall have like remedies as he would have if his application for admission as a member of Bar Association was dismissed and the appellate authority shall have similar powers.

7.19 In case an Advocate is defaulter to the Bar Council after 31st December of the Previous year and fails to make payment of the amount due despite general reminder, it shall be deemed that he is not a member of any Bar Association.

CHAPTER VIII – FIRMS OF LAWYERS.

8.1 Advocates desirous of forming a firm of lawyers or to associate with a firm of lawyers, for the practice of law in the jurisdiction of the Bar Council, shall apply to the Bar Council for the registration of the firm subject to payment of Rs:- 25000/- or their association.

8.2 Alongwith the application for registration shall be forwarded a copy of the partnership deed and the following information: -

- (a) Name of Firm.
- (b) Place of office or offices of the firm;

- (c) The name of the partners with their date of birth, academic qualifications and standing at the Bar;
- (d) The shares of the partners; and
- (e) The contribution to be made by each partner.

8.3 The application shall be placed before the Bar Council which may call for such further information as it may think necessary.

8.4 Advocates already associated together for the purpose of practising law, shall within three months of the promulgation of these rules, apply for the registration of their firms and the provisions herein contained shall apply mutatis mutandis to such application.

8.5 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, a firm existing on the date of promulgation of these rules, such firm may continue its business till the disposal of the application.

8.6 The Bar Council may at any time call for such information as it may consider necessary from a registered firm and may also for sufficient cause to be recorded in writing after due notice to the firm, impose any condition on the firm or suspend the registration of any firm. On suspension of registration, the Advocate constituting such firm shall cease to practise as partners in the area within the jurisdiction of the Bar Council from such date as may be specified in the order.

8.7 Any lawyer's firm not registered under the Act and the Rules framed there under in any other province of Pakistan shall, where it is desirous of commencing or continuing the practice of law within the jurisdiction of the Bar Council, apply for registration to the Bar Council and the provisions herein contained shall apply mutatis mutandis to such application.

CHAPTER IX – TRAVELLING AND DEARNESS ALLOWANCE.

9.1 A member shall be eligible to be reimbursed of the travel boarding & lodging expenses incurred, for a meeting of the Bar Council or of a committee of which he is a member.

9.2 Member shall be entitled to an allowance of Rs. 300/- per day for the day of meeting of the Bar Council or of a committee of the Bar Council.

Provided that a member shall be entitled to allowance for an additional day if he arrives a day earlier or leaves a day later.

CHAPTER X – FINANCES.

10.1 Subject to the control and direction of the Bar Council the (Finance 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.

10.2 The Finance Committee shall prepare and submit for approval to the Bar Council by 1st June of every year, a budget statement of expected receipts and expenditure for the coming financial year.

10.3 The Secretary shall be disbursing authority, but no payment shall be made out of the funds of the Council, except under order of the Vice Chairman or the Chairman of Executive Committee.

Provided that no payment shall be ordered unless it is authorised under Rules 10.5 to 10.7.

Provided further that notwithstanding the above, the Vice Chairman and the Chairman of Executive Committee may make expenditure up to Rs.10000/- in a month.

10.4 The moneys credited to the funds of the Bar Council shall be kept in such bank or banks and the account shall be operated by such person as the Bar Council may specify.

10.5 The Bar Council may invest any portion of the funds of the Bar Council in such manner as it thinks proper.

10.6 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.

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

- (a) the payment to the Pakistan Bar Council of twenty percent of the total sum received by it during that financial year as enrolment fee and fees for permission to practise before the High Court.
- (b) in the payment of salaries and allowances to the staff of the Council.
- (c) in the fulfillment of any obligation and in the discharge of any duty imposed to the Bar Council under the Act and the Rules; and
- (d) in meeting the expenditure declared by the Bar Council to be an appropriate charge on the fund.

10.8 A Cash Book shall be maintained by the Bar Council as in **Form 'E'**.

10.9 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.

10.10 The disbursement of the money 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.

10.11 At the end of each day, the total of the amount received and spent during the day shall be worked out and by striking the balance.

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

10.13 All entries in the Cash Book shall be checked by the Secretary, item by item with reference to the receipt and vouchers and attested in token of check. The Cash Book shall be signed by the Secretary daily.

10.14 At the end of each month, the balance shall be struck out and the closing balance be verified with reference to the Bank pass-book.

10.15 The total of various columns in the Cash Book shall be forwarded into next month's account.

10.16 At the end of each quarter, a quarterly statement of Accounts giving full details of income and expenditure shall be made.

10.17 At the end of each financial year, Annual Accounts in form 'F' shall be prepared.

10.18 The Annual Accounts so compiled shall be audited by a chartered Accountant within the meaning of the Chartered Accountant Ordinance, 1961, appointed by Bar Council & copies of the same may be sent to all the Bar Association with direction to paste it in the Bar Room.

10.19 The auditor appointed under Rule 10.18 shall examine the Annual Accounts together with the receipt and vouchers relating thereto, and shall at all reasonable times have access to the books, accounts and other documents of the Bar Council, and may in relation to such accounts, examine any officer or employee of the Bar Council.

10.20 The auditor shall report to the Bar Council upon the Annual Accounts and in his report he shall state whether in his opinion the Annual Accounts are full and fair accounts, containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the finances of the Bar Council.

10.21 The Chairman shall furnish to each Member at least fifteen days before the date of the meeting of the Council called in the beginning of the financial year, a copy of the audited Annual Accounts.

CHAPTER XI – MISCELLANEOUS.

- 11.1 A member shall vacate his seat if he;
- (a) resigns from his seat by delivery of resignation to the Secretary and the resignation shall be effective from the time it is so delivered, or
- (b) is removed from the Rolls maintained by the Bar Council and the Pakistan Bar Council.
- 11.2 A member 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.
- 11.3 Registers shall be maintained with regard 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.
- 11.4 All parties to the proceedings shall be entitled on payment of the prescribed fee to certified copies of the proceedings before the Bar Council, or the Tribunal, or any Committee of the Bar Council. Any other person interested may subject to the order of the Vice Chairman of the Bar Council be supplied with a certified copy of any such proceedings as is mentioned above on payment of fee prescribed by the Council.
- 11.5 All applications filed in the disciplinary proceedings by any party shall be accompanied by a payment of Rs.1000/- except in case of any application filed by the Advocate General or any Advocate appearing on his behalf.
- 11.6 An Advocate appearing before the Bar Council or before a Tribunal or Committee of the Bar Council except the Advocate General or an Advocate appearing on his behalf, shall file power of attorney along with a deposit of Rs. 25/-

11.7 Parties to proceedings shall be entitled to inspection of the record on payment of Rs. 50/- per day or part thereof.

11.8 An Advocate is entitled to a duplicate copy of his Enrolment Certificate on filing an application to the Secretary of the Bar Council and upon payment of a fee of Rs. 1000/-

11.9 All moneys required to be paid under these Rules shall be deposited into the account of the Bar Council or to a person 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.

11.10 The Legal Practitioners and Bar Council Rules, 1975 as adopted by Balochistan Bar Council so far as relate to the functions of the Balochistan Bar Council are hereby repealed.

FORM ' A ' APPLICATION FOR ENROLMENT.

PASSPORT SIZE PHOTOGRAPHS.

1. **Name of the applicant.**
2. **Father's / Husband's Name.**
3. **Date and Place of Birth.**
4. **Nationality of applicant.**
5. **National Identity Card No.**
6. **Address i- Present.**
ii- Permanent.
7. **Qualifications for enrolment with dates on which acquired.**
8. **Whether the applicant is a person exempt from training and examination.**
9. **Whether the applicant proposes to practise generally within the jurisdiction of the Bar Council.**
10. **Whether the applicant was/is engaged in any business, profession or vocation, if so, the nature thereof and the place at which in same was/is carried on.**

11. **Whether the applicant even has been declared insolvent.**
12. **Whether the applicant has been dismissed from the service of Government or of a public statutory corporation or private service, if so, date and reason thereof. (documents to be annexed).**
13. **Whether the applicant has been convicted of any offence, if so, date and particulars thereof.**
14. **Whether the application for enrolment has previously been rejected by a Bar Council.**

SIGNATURE-----
HOME ADDRESS-----
With Telephone No.-----

FORM 'B' CERTIFICATE OF TRAINING.

I, _____ Advocate, do hereby certify that Mr/Mrs/Miss _____ son/daughter/wife of _____ has training with me for a period of Six months (from _____ to _____ in accordance with Rule 5.3 of the Legal Practitioners and Bar Council Rules, 1996.

That at the time when I took him as a pupil, I had been entitled to practice as a pleader/or as an Advocate for a period of not less than ten years.

That although I had more than three pupils during the whole of portion of his pupillage, he was for the whole or for that portion of the period of his pupillage one out of the first three pupils considered in the order in which they were taken as pupils.

That I was practising at the Bar During the whole period of pupillage and that a written intimation as to his having joined me as a pupil signed by both of us, had been sent to the Secretary Bar Council within one month of the commencement of pupillage.

Dated:- _____

Advocate.

Specify in the form below at least twenty cases which the Advocate had the assistance of the pupil.

S.No. Parties Name. Nature of Case. Name of Court.

FORM 'C'

No. _____

BALUCHISTAN BAR COUNCIL.

I, _____ Secretary of the Baluchistan Bar Council do hereby certify that _____ son/daughter/wife of _____ resident of _____ enrolled on _____ has paid the Annual fee for the year 200__ as provided by Rule 5.11 of the Baluchistan Legal Practitioners and Bar Council Rules, 2001 and is entitled to practise during the year 200__ in the courts subordinate to the Baluchistan High Court.

By order of the Bar Council.

FORM 'D'

No. _____

BALUCHISTAN BAR COUNCIL.

The Baluchistan Bar Council hereby certifies that _____ son/daughter/wife of _____ who is an Advocate of Lower Courts has now been admitted as an Advocate of the High Court. He is entitled to appear, act and plead before any court or Tribunal in Pakistan except the Supreme Court of Pakistan.