

THE SINDH GOVERNMENT GAZETTE

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PART II

MISCELLANEOUS NOTICES ADVERTISEMENTS AND C

NOTICE

SINDH LEGAL PRACTITIONERS AND BAR COUNCIL RULES, 1991.

No. 6307/SBC/92.—the Sindh Council in its meeting held on 31st January, 1991, felt expedient to repeal and with certain modifications reframe the Sindh Legal Practitioners and Bar Council Rules.

It is hereby notified as under :—

CHAPTER—I

SHORT TITLE AND DEFINITION

1. (1) These Rules may be called Sindh Legal Practitioners and Bar Council Rules, 1991.
(2) These shall come into force with effect from 1st March, 1991 and shall be deemed to have been enforced from the said date.
2. In these rules, unless there is anything repugnant to the subject or context :
 - (a) “Act” mean the Legal Practitioners and Bar Council Act 1973 (Act XXXV of 1973).
 - (b) “Bar Council” means the Sindh Provincial Bar Council.
 - (c) “Bar Association” means a Bar Association recognized as such under these rules.
 - (d) “Chairman” in relation to the Sindh Provincial Bar Council means its Chairman and in relation to any of its committees, the Chairman of the Committee concerned and in the absence of the Chairman, includes the Vice-Chairman or any member presiding over a meeting of the Bar Council or its Committee.
 - (e) “Committee” means a Committee constituted under the Act or these Rules.
 - (f) “Form” means a form pended to these Rules and includes any other form approved by the Bar Council or its Committee.
 - (g) “Member” means a member of the Bar Council under Section 5 or Section 16 of the Act.

- (h) “Rules” or “these Rules” means rules framed under Section 56 of the Act.
- (i) “Secretary” means the person appointed as such by the Bar Council and includes any person, to whom the functions of the Secretary are for the time, being entrusted by the Bar Council or its Chairman.
- (j) “Voter” means an advocate whose name for the time being appears on the divisional roll and to whom an Identity Card has been issued by the Sindh Bar Council and who is not arrears of dues of the Sindh Bar Council.
- (k) “Vice-Chairman” means Vice-Chairman of the Bar Council elected under section 6 of the Act.

Words and expressions defined in the Act and used in these Rules shall unless the context otherwise requires, have the meaning assigned to them in the Act.

C H A P T E R – II

FIRST MEETING.

- 3. First Meeting.—The Chairman shall, within one month of the commencement of the terms of the Bar Council fix a date, time and place of the First meeting of the bar Council.
- 4. Election of Vice-Chairman
 - (a) At the first meeting of the Bar Council, the Vice-Chairman shall be elected from amongst the members.
 - (b) When the Office of the vice-Chairman is vacant, the Chairman shall within one month of the occurrence of the vacant fix a date time and place for holding election. The Secretary shall sent to every member a notice showing the date and place fixed therefore.

C H A P T E R —III

CHAIRMAN, VICE-CHAIRMAN & SECRETARY

5. Function and duties of the Chairman.—The Chairman shall perform the functions and duties assigned to him by the Act and the Rules and shall be responsible for ensuring due compliance of the Provisions of the Act and the Rules.

6. Functions and Duties of the Vice-Chairman.—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 of acting. He shall be ex-officio member of every Committee constituted under Section 10(3) of the Act and shall be responsible for coordinating the functions of all such Committees.

7. Secretary.—These shall be a Secretary of Bar Council to be appointed by the Council. In case of emergency, the Chairman may nominate any person to discharge the functions of the Secretary, till next meeting of the Bar Council, when the matter shall be placed before it.

CHAPTER — IV

MEETING

8. Summoning Meeting.—The Chairman have regard to the state of the business of the Bar Council, shall summon a meeting of the Bar Council.

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

9. Time and place of the Meeting.—Date, time and place of a meeting of the Bar Council shall be fixed by the Chairman, unless the Bar Council has fixed any specific date, time or place for a particular meeting.

10. Notice of Meeting.—When a meeting of the Bar Council is summoned by the Chairman, the Secretary shall issue to each member a notice of not less than eight days, stating date, time and place of the meeting. The notice will also contain a list of business to be transacted at the meeting.

Provided that the Chairman in case of emergency call a meeting of the Bar Council at a notice of not less than 3 days.

11. Decision by Circular.—If in the opinion of the Chairman, it is necessary or expedient to obtain views of members and their decision by circulation, he may circulate the resolution to all members and if the majority of its members to a minimum requirement of the quorum of the Council support the resolution it will be deemed to be a resolution of the Council.

12. Quorum.—(a) No sitting of the Bar Council shall commence unless five of its members are present

(b) If within half an hour of the time fixed for commencement of the meeting the number of members required for the quorum is not present, the Chairman may adjourn the meeting to any other date.

(c) No quorum will be necessary for an adjourned meeting adjourned for want of quorum.

13. At a meeting of the Bar Council the Chairman, and in his absence the Vice-Chairman, shall take the Chair. If both the Chairman and the Vice-Chairman are not present, members present may elect anyone of them to take the Chair.

14. Save as otherwise provided in these rules, business not included in the list of business shall not be transacted in any sitting, unless the majority of the members present at the meeting permits.

15. Business set down for any day and not disposed of on that day shall be set down for the next meeting in preference to any new business unless the Chairman in his discretion otherwise directs.

16. Mode of Address.—A member desiring to raise a point of order or point of privilege or desiring to speak on any matter at a meeting of the Bar Council shall rise in his seat or if unable to do so, shall otherwise intimation his desire to the Chairman of the meeting and shall speak only with the permission of the Chairman and shall address the meeting standing, except when permitted otherwise by the Chairman of the meeting. If at time the Chairman rises to address, the member shall resume his seat.

17. Decision.—All decisions at a meeting of the Bar Council will be by Majority of the members present and voting. In case of equality of votes, the Chairman of the meeting shall have a casting vote.

18. The Secretary shall prepare a full report of the proceedings of the Bar Council at each of its meeting under the directions of the Chairman of the meeting as soon as practicable, enter it in a minute book and put it up for confirmation at the next meeting of the Bar Council. If the minutes are confirmed by a subsequent meeting, the Chairman of the meeting confirming the same shall sign it in token of confirmation. All the members of the Bar Council or the Committee as the case may be entitled to inspect the minute book at all reasonable times.

19. Any matter determined by a resolution of the Bar Council shall not be reopened within three months of the date of the resolution unless two-third of the total members may requisition in writing to that effect.

20. A member desiring to place a matter for consideration of the Bar Council may give notice of that matter to the Secretary, who shall, unless the Chairman otherwise decides, enter the matter in the list of business for the subsequent meeting.

21. Not less than five of the total members of the Bar Council may in a requisition signed by them require the Chairman or the Secretary, to call a meeting of the Bar Council. On receipt of such a requisition the Secretary shall convene a meeting at a date, time and place fixed by the Chairman, within 10-days of the receipt of such requisition. If no requisitioned meeting is convened as provided herein any five of the requisitionsts may convene the requisitioned meeting and all expenses incurred in that behalf shall be borne by the Bar Council.

CHAPTER—V

COMMITTEES

22. The Bar Council shall, within one month of these Rules or within three months from the commencement of the terms of the Bar Council constitute from amongst its members one or more of the following committee:-

Law reforms Committee, Benevolent Fund Committee, Privileges Committee, Library Committee, Examination Committee, Law Journal Committee, Rules Committee and Advocates roll preparation and correction Committee.

23. Committee of the Bar Council.—In addition to the standing Committee constituted under Sub-Section (1) of section 10 of the Act, and Rule 22 the Bar Council may constitute, from amongst its members, such other committees as it may deem necessary for the performance of its functions, under the Act or these Rules and may authorize any such Committee to co-opt as its members, any person, as the Bar Council may determine. Every such committee shall, unless otherwise determined by the Bar Council, submit at the end of each quarter its report to the Bar Council for approval.

24. Chairman of Committee.—Unless otherwise provided by the Act or unless the Bar Council while constituting a Committee elects a Chairman of the Committee, the Committee shall elect one of its members to be a Chairman of the Committee. If the Chairman is absent from any sitting, the Committee shall choose one of its members present, to act as Chairman for that sitting.

25. Vote of Chairman.—The Chairman of a Committee shall be entitled to vote. In case of equality of votes amongst its members, the Chairman, shall have a second or casting vote.

26. Term of Committee.—The term of every Committee shall be the same as the term of the Bar Council itself, unless the Bar Council, when constituting the Committee determines otherwise.

27. Decision of a Committee.—A matter requiring a decision of a Committee shall be determined by means of a resolution or report. Members dissenting from the majority may submit to the Chairman their views in writing. In that case such dissenting minutes shall be appended to the Report and form its part.

28. Quorum for a Committee.—One third of the members of a Committee but not less than two, shall constitute a quorum for a sitting of the Committee.

29. Decision by Circular.—If in the opinion of the Chairman of a Committee it is necessary or expedient to obtain views of its members and their decision by circulation be may circulation the resolution or report to all its members and if the majority of its members to a minimum requirement of the quorum of the Committee 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 Committee.

30. Applicability of General Rules.—Rules of procedure of meeting of the 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.

31. Executive Committee.—(1) Except as expressly provided in the Act and the Rules and subject to the supervision and general control of the Bar Council, the Executive authority of the Provincial Council shall vest in the Executive Committee and shall be exercised either directly or through its Committee. Provided that the Bar Council may, by resolution, directions or orders, specify the manner in which the Executive committee shall exercise its powers and functions.

(2) Without prejudice to the generality of the provisions contained in Sub-rule (1), the Executive Committee shall have the power and functions to supervise and deal with all matters regarding administration of the Bar Council, to recommend to the Bar Council, to implement the decisions of the Bar Council and to receive and deal with the representations and complaints by Advocates and resolutions passed by Bar Associations.

(3) Subject to the approval of the bar Council, to appoint remove and dismiss the staff of the Bar Council provided that the Executive Committee shall have the power to appoint, suspend, remove or dismiss a member of the Staff drawing a salary of not more than Rs. 500,00/- per mensem. Provided further that in case of an emergency, the Chairman of the Executive Committee may exercise powers.

32. The Executive Committee shall be responsible for realizing all the monies due to the Bar Council and for management, administration and utilization of the fund of the Bar Council in accordance with the authorization and sanction of the Annual financial statement and supplementary Financial Statement Authorized by the Bar Council.

CHAPTER VI

FINANCIAL PROVISIONS

33. Fund.—All the monies received by or on behalf of the Bar Council shall be credited to the 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 as the Bar Council may by a resolution determine.

34. Budget.—An annual Financial Statement in respect of every financial year containing a statement of the estimated receipts and expenditure for the year as approved by the Executive Committee shall be laid before the Bar Council for authorization and sanctions.

35. Supplementary Budget.—If in respect of any financial year it 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 been spent during a financial year in excess of the amount granted for the service for that year the Executive Committee 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 therefore, be laid before the Bar Council for authorization and sanction.

36. Statement of Account.—Accounts Books shall be maintained in due course wherein all receipts and disbursement shall be duly entered and statement 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.

37. Audit Report.—The Accounts Books so maintained shall be audited by a Chartered Accountant and a detailed audit report, alongwith such remarks as the Chartered Accountant deems necessary to make shall be laid before the Executive Committee atleast fifteen days before date of the meeting of the Bar Council in the beginning of a financial year or as soon as possible thereafter at which meeting, if shall be laid before the Bar Council, alongwith a report, if any, of the Executive Committee.

CHAPTER VII

ENROLMENT OF ADVOCATES

38. Pupilage before being admitted as an advocate.—

- (i) Every person, except a person mentioned in rule 42 herein, who intends to practice as an advocate, shall have to undergo training regularly for a continuous period of Six months as a pupil in the chamber of an advocate of not less than ten years, whose name appears on the Roll of the Bar Council and has paid the dues of the Bar Council upto date;
- (ii) a written intimation of a person joining an advocate as a pupil, on form 'P', appended to these rules, supported by a copy LL.B degree or a marks certificate/Provisional certificate issued by the Controller of Examination of the concerned University and a payment slip of Rs. 100/- to be deposited in favour of the Bar Council towards intimation fee, signed by both of them shall be sent to the Secretary, Bar Council within one month after the commencement of pupilage. Failing whereof the pupillage shall be deemed to have commenced from the date of receipt of Form 'P' by the Secretary of the Bar Council;
- (iii) an advocate with whom a person received training in accordance with Sub-rule (1) herein above shall give a certificate in Form 'B', appended to these rules. Provided that no advocate shall take more than two pupils at a time. No advocate shall be entitled to have a pupil under his training if he is in arrears of dues of the Council;
- (iv) an advocate who gives false certificate in this behalf shall be guilty of professional misconduct.

39. Application for admission.—Any person qualified for admission as an advocate under Section 26 read with Rule 38 may make an application in form 'A', appended to these Rules, if he proposes to practice within the jurisdiction of the Sindh Bar Council. All such applications shall be placed before an examination Committee and if the applicant is found fit, the application will be forwarded to the Enrolment Committee.

40. Particulars to be furnished.—The applicant shall be accompanied by:—

- (a) Satisfactory evidence of the applicant's date of birth;
- (b) Satisfactory evidence of the qualifications under Section 26 and Rule 38;

- (c) Two certificate from advocate whose names appear on the roll of Bar Council, having not less than ten years standing at the Bar as to the character and conduct of the applicant. Certificate must provide the date of enrolment and the Registration Number of the Identity Card, issued by the Bar Council in favour of the advocate issuing such certificate. No advocate shall issue such certificate if he is in arrears of dues of the Bar Council.
- (d) A duly attested affidavit on stamp paper stating inter-alia the following facts:—
- (i) No criminal proceeding or professional misconduct proceeding was ever instituted or is pending adjudication against the applicant in or outside Pakistan.
 - (ii) The date and years of passing of academic qualifications of matriculation to LL.B examinations.
 - (iii) An explanation with regard to the considerable gaps, if any, in between his academic examinations and joining of pupillage.
 - (iv) That during the period of his pupillage the applicant was not engaged in any business, profession, vocation or service. If the applicant was engaged in any service prior to the commencement of pupillage, he should explain the nature of service and submit a certificate from competent authority showing the date of joining the service and the date of leaving the same with reasons thereof. If engaged in business the applicant should explain the nature of business the nature of his engagement therein and the fate of the said business duly supported by documents and that he was not declared bankrupt or insolvent. Any other document/Certificate showing his engagement in any other profession or vocation.
- (e) a receipt of payment of Rs. 500/- or any amount prescribed in this behalf, paid in favour of Sindh Bar Council towards enrolment fee;
- (f) a receipt of payment of Rs. 25/- or any amount prescribed in this behalf paid in favour of Pakistan Bar Council;
- (g) a receipt of payment of Rs. 675/- or any amount prescribed in this behalf paid in favour of Sindh Advocate Benevolent Fund;
- (h) A payment slip of Rs. 2000/- or Rs. 5000/- or Rs. 10,000/- as the case may be according to the age limit of the applicant, deposited by him in favour of Sindh Advocate Benevolent Fund, in addition to the amount mentioned in clause (g) hereinabove.

- (i) an undertaking that he would become a member of a Bar Association of the District/Taluka, where he proposes to practice generally, within one month after his enrolment;
- (j) a list of atleast ten cases in which he has assisted his senior duly signed by his senior giving the brief facts and the law involved in
- (k) four latest and duly attested passport size photographs in court dress; and
- (l) a certificate of training from the senior on from the senior on from 'B' appended to these Rules :

Explanation.—The date of birth recorded in birth Certificate or in the matriculation certificate or School leaving certificate shall be presumed correct.

Provided that if the papers for enrolment mentioned in Rule 38 and 39 hereinabove are not submitted by the applicant within three months of the completion of training, the intimation, sent in this behalf, shall be treated as cancelled and the applicant shall have to undergo a fresh intimation as per rule.

41. Every applicant applying for admission as an advocate shall have to pass a Viva-Voce Examination, which shall be held by the Examination Committee within one month from the date of receipt of application, under the direction and supervision of the Enrolment Committee in the following subject :-

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| (i) Civil Procedure Code; | (ii) Criminal Procedure Code; |
| (iii) Limitation Act; | (iv) Pakistan Penal Code; |
| (v) Qannon-e-Shadat; | (vi) Consitution of Islamic Republic of Pakistan. |
| (vii) Legal Practitioners and Bar Council Act, 1973 and the Rules framed thereunder; | (viii) Canons of conduct and Etiquette as formulated by the Pakistan Bar council; and |
| (ix) The Relevant laws involved in the cases provided by the applicant. | |

Copies of the constitution, bare acts and rules shall be made available to the applicant at the examination.

42. The Enrolment Committee may exempt the following persons from training and examination provided in Rule 38 Supra:—

- (1) Applicants who have received, 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 Ba Council to be equivalent to that degree;

(2) Applicant who have for atleast ten 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 Englands; and

(4) Applications who after having been enrolled as practicing lawyers in any place within Pakistan or outside Pakistan, have to the satisfaction of the Enrolment Committee of the Bar Council, practiced there for full one year.

(5) An application for exemption from training under this Rule shall be accompanied with a payment slip of Rs. 500/- deposited in favour of Sindh Bar Council towards exemption fee.

43. All applications for admission as an advocate of the High Court shall be accompanied by :—

- (a) A duly attested affidavit on stamp papers stating inter alia the following facts :—
- (i) that the applicant fulfills the requirement of Section 27 of the Act with details in respect thereof;
 - (ii) that no criminal proceedings or professional Misconduct proceeding was ever instituted or is pending adjudication against the applicant in or outside Pakistan; and
 - (iii) that during the tenure of practice the applicant was not engaged in any business, profession vocation or service and he has remained in active profession through out;
- (b) two certificate from advocate, whose name appear on the roll of the Bar Council, having not less than ten years standing, as to his being a fit person to be admitted as an advocate of the High Court. The certificate must provide the date of enrolment and the registration number of the Identity Card, issued by the Bar Council in favour of the advocate issuing such certificate. No advocate shall issue such certificate if he is in arrears of dues of the Bar Council;
- (c) a receipt of the payment of Rs. 4500/0, or any amount prescribed in this behalf, paid in favour of Sindh Bar Council;
- (d) a receipt of the payment of Rs. 500/- or any amount prescribed in this behalf, paid in favour of Pakistan Bar Council on their prescribed in this behalf, apid in favour of Pakistan Bar Council on their prescribed form;
- (e) a dues clearance certificate from recognized Bar Assocaiation of which he is a member; and
- (f) a list of at least ten cases with complete details conducted by the the applicant during the tenure of his practice before the Sub-ordinate Courts.

44. Reference to the High Court.— The Enrolment Committee shall forward the application for admission under Section 27 Clause (c) to the High Court and after approval there from shall be draft with in accordance with the procedure herein provided for the enrolment.

45. Scrutiny of the applicants.— The Secretary shall in case of application pertaining to the enrolment of the Subordinate Courts, ensure that the applicant is qualified in terms of Section 26 of the Act and the Rules made thereunder and shall forward the application to the Enrolment Committee within 15 days from the date of passing the Viva-Voce Examination by the applicant;

(2) The Secretary shall, in case of application for the enrolment of the High Court, ensure that the applicant is qualified in terms of Section 27 of the Act and the Rules made thereunder and shall forward the application to the Enrolment Committee within 15 days of the receipt of such application.

46. Summary Inquiry.—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.

47. Disposal by the Enrolment Committee.—(1) The Enrolment Committee shall, before granting the application ensure that the applicant has under gone such training and passed such examination as prescribed, he has duly complied with the provisions of the Act and the Rules made, thereunder and in case of the enrolment of High Court, he is a fit person to be admitted as such;

(2) The Enrolment Committee shall decide the application within four weeks of the receipt thereof. Certificate of Enrolment will be issued within one week on form 'E' and 'F' as prescribed by the Pakistan Bar Council. The Certificate will be signed by the Secretary and the Chairman/ Vice-Chairman.

48. Renewal.—Licence issued on form 'E' to practice before the Subordinate Courts shall be valid upto 31st December of the year in which it was issued and should be renewed every year by or before expiry of that year.

49. Disposal by the Bar Council.—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 in its next following meeting and its decision shall be communicated to the applicant immediately.

50. Advocate desiring to discontinue.—An advocate shall apply that the operation of his licence may be suspended if he is desirous to discontinue his practice in order to carry on business or to join any service or some other profession vocation. An advocate may apply that his name be altogether removed from the Rolls. Such application, if no dues are outstanding against the applicant, shall be place before the Vice-Chairman or Chairman Executive Committee for necessary orders. If an Advocates fails to apply for suspension of his licence and has joined service or some other profession, the operation of the licence shall be deemed to have been suspended from the date he joined service or some-other profession.

51. Resumption of practice.—An advocate whose licence was suspended u/r 50 may apply for termination of suspension or to resume legal practice. The application shall submit an affidavit in support of his application stating what he was doing during the period his licence was suspended alongwith service certificate or any other document giving the proof of closing his business or other professional/vocational engagements. The application will be placed before the Enrolment Committee for necessary orders. The Enrolment Committee may refuse permission to resume practice to a person, otherwise qualified, on the grounds of a bar provided in Sub-Section 26 of the Act or of his being removed from the Roll of Advocates by any provincial Bar Council in or outside Pakistan or the pendency of a Criminal proceeding for offences involving moral turpitude or proceeding of professional misconduct pending against him in or outside Pakistan or any other sufficient and reasonable ground.

52. Receipts.—The Secretary shall issue a renewal Receipt in form 'C', appended to these rules, to every advocate paying the annual fee of Rs. 500/- or any other amount prescribed by the Pakistan Bar Council in this behalf payment slip of the amount alongwith a clearance certificate from the Bar Association to which he is a member under a covering letter must be submitted to the Bar Council for renewal of the licence.

53. Late fee.—If an advocate fails to pay the annual fee by the prescribed date, shall be liable to pay a fee Rs. 50/- for each month of delay or part thereof subject to a maximum of Rs. 300/- or any amount prescribed by the Pakistan Bar Council in this behalf.

54. Condonation of delay.—An application for condonation of delay together with the receipt of the dues and the late fee thereon may made the Bar Council and the Vice-Chairman may allow the application. In case the application is rejected by the Vice-Chairman the matter will be placed before the Enrolment Committee for final decision.

55. Stricking off the name.—The Chairman of the Executive Committee will be competent to strike off the name of an advocate in exercise the powers under proviso to Sub-Section 4 of Section 34 and an appeal against his order will lie to the Bar Council. The names of the advocates so struck off the Roll shall be intimated to the District Bar Association and the District Judge concerned who will ensure that no such person is allowed to practice legal profession within their District.

56. Restoration of name to the Roll.—The Chairman of the Executive Committee will be competent to order the restoration of the name of an advocate whose name has ben struck off the Roll under Section 34 of the Act on payment of the dues with late fee thereon and the penalty equivalent to the total amount of both.

57. Membership of a Bar Association.—(1) No person shall practice as an advocate unless he is a member association has been recognized under the rules next following.

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

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

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

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

58. Dispute Regarding Seniority.-All dispute relating to seniority as an advocate shall be determined by the Enrolment 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 Enrolment Committee by pasting correction slips in the Roll or otherwise;

59. All additions, alterations and corrections made in the Roll shall be communicated to the High Court within thirty days of such variation.

60. Issuance of Identity Cards.—(1) The Sindh Bar Council shall issue Identity Card to every advocate, containing the following particulars:—

- (a) Registration Number;
- (b) Name;
- (c) Father's Name;
- (d) Date of Birth;
- (e) Permanent address;
- (f) Ordinary Place of Practice;
- (g) Date of Enrolment;
- (h) Passport Size Photograph is prescribed Court Dress;

(2) The Sindh Bar Council shall allot a Registration Number to every advocate whose name is appearing on the Roll of advocates.

(3) The Sindh Council shall allot Benevolent Fund ledger Number as Registration number to every advocate in terms of clause (2) hereof.

(4) It shall be obligatory on the part of every practicing advocate throughout the Province of Sindh to obtain the Identity Card so approved by the Council, duly sealed and signed by such person/persons who may be authorised in this behalf by the Bar Council on payment of Rs.20/-

Provided that, no Identity Card shall be issued to any advocate unless he/she has cleared all his/her dues of the Council.

(5) It shall be obligatory for every practicing advocate throughout the province of Sindh to apply for the issuance of an Identity Card with-in 90 days from the date of enrolment or any subsequent date as may be allowed by the Bar Council,

Provided that, if an advocate fails to obtain his/her Identity Card within the prescribed/extended time his/her name shall be struck off the Roll of advocates after giving a show-cause notice under section 34 of the Act after providing a reasonable opportunity or being heard.

(6) It shall be obligatory for every advocate to quote/ print his/ her registration number, so allotted, on his/ her letter head as well as on vakalatnama.

(7) It shall be obligatory for every advocate to produce his/ her Identity Card in all the Bar elections while exercising his/her right of franchise.

CHAPTER VIII

DISCIPLINARY PROCEEDINGS.

61. Procedure for complaint against advocate.—A complaint against an advocate shall be filed with six copies and should contain statement of allegations and shall be accompanied by all documents of copies of documents that are available to the complainant, and in case where the complaint is not by a Court or by a public servant acting in his official capacity shall be supported by affidavit as to correctness of facts stated in the complaint.

62. Summary Dismissal.—Upon receipt of a complaint under Sub-Section (2) against an advocate, the disciplinary Committee of the Bar Council may unless it summarily rejects the complaint, after making such enquiry and giving the parties such opportunity of being heard as it may consider necessary, either reject the complaint or refer the same to a Tribunal for decision;

63. Reference to Tribunal.—Where a reference is made to Tribunal under Section 41 all the relevant documents shall be forwarded alongwith the reference.

64. Conduct of Proceedings before Tribunal.—Proceedings before the Tribunal shall be conducted by the Advocate-General or by an advocate appointed by him. 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.

65. Notice of complaint.—On receipt of a reference under Section 4 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, alongwith 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.

66. Reply by advocate concerned.—the Advocate concerned shall be entitled to appear in person or through his counsel and to file reply to the allegations against him before the Tribunal. 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 atleast three days before the date of hearing.

67. Procedure before Tribunal.—The Tribunal shall determine the matter before it in accordance with Qanoon-e-Shahdat-1984 and shall follow generally and to the extent practicable the procedure provided for trial of suits in the Code of Civil Procedure, 1988.

68. Secretary of Tribunal.—The Secretary of the Bar Council shall be the Ex-officio Secretary of the Tribunal and perform such duties as may be assigned to him by the Tribunal.

CHAPTER IX

FIRMS OF LAWYERS

69. Formation of Firms.—Advocate desirous of forming a firm of lawyers or to associate with a firm of lawyers, for the purposes of the practice of law within the jurisdiction of the Bar Council shall apply to the Council for the registration of firms or of their association.

70. Application by the Firms.—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 or associate with their date of births, academic qualification, date of enrolment and registration number of Identity Card of the Bar Council.
- (d) The shares of the partners; and
- (e) The contribution to be made by each partner.

71. Further particulars.—the application shall be placed before the Bar Council which may call for such further information as it may think necessary.

72. Existing Firms.—Existing Firms of Advocates, existing before the commencement of these Rules within three months of the promulgation of these shall apply mutatis mutandis to such application.

73. Disposal of Application.—All applications for registration of the firm shall be taken up for consideration within two months of their presentation and shall be disposed within four months. In case of a firm existing on the date of promulgation of these rules such firm may continue to operate till the disposal of the application.

74. Registration of the Firm.—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 the 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 practice as partner in the area within the jurisdiction of the Bar Council, from such date as may be specified in the order.

75. No individual advocate practicing by himself or in association with any other advocate shall use the title of a firm unless the advocate so practicing constitute a Firm in fact and such a firm is registered under these Rules.

76. Firm from other Provinces.—Any firm of lawyers registered under the Act and the rules framed thereunder 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 Councils and the Provisions herein contained shall apply mutatis mutandis to such application.

CHAPTER X

MISCELLANEOUS

77. Travelling Allowance.—Members of Sindh Bar Council when on duty shall be entitled to economy class fare where the air service is available. Where the air service is not available they shall be entitled to 1st. Class air conditioned train fare.

78. Daily Allowance.—(a) Every member of the Sindh Bar Council attending a meeting of Bar Council or its Committee shall be entitled to an allowance of Rs. 200/- per day for the day of meeting so attended by him.

(b) If a member arrives earlier than the date of the meeting he shall be entitled to additional allowance for one day.

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

(d) If Government accommodation is made available at concessional rates in government Rest House, a member shall be entitled to draw Rs. 50/- per day instead of Rs. 200/-.

79. Resignation or Removal.—A member shall vacate his seat if he :—

(a) Resigns his seat by delivering of his 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.

80. Suspension of Membership.—A member who is suspended as an Advocate shall not act as-a Member during the period of his suspension but shall vacate seat only if his suspension covers the whole of his remaining terms as a Member.

81. Register of Disciplinary Proceedings.—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.

82. Copies of the Record.—All parties to proceedings shall be entitled on payment of fee to obtain 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 orders of the Chairman or of the Bar Council be supplied with a certified copy of any such proceedings as is mentioned above. The same fee shall be charged for the certified copies as are charge by the High Court.

83. Application Fee.—All application filed in the disciplinary proceedings by any party shall be accompanied by a payment of Rs. 5/- except in case of an application filed by the Advocate-General or any Advocate appearing on his behalf.

84. Fee for Advocate's Appearance.—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 memo of appearance alongwith a deposit of Rs. 5/-

85. Inspection Fee.—Parties to proceedings shall be entitled to inspection of the record on payment of Rs. 5/- per hour or part thereof.

86. Fee for duplicate enrolment Certificate.—An advocate may obtain duplicate copy of his enrolment Certificate on filling an application to the Secretary of the Bar Council and upon payment of a fee of Rs. 10/-

87. Repeal.—Subject to the Provision of West Pakistan General Clauses Act, 1956, The legal practitioners and Bar Council Rules 1969 and Sindh and Baluchistan Legal Practitioners and Bar Council Rules, 1975 are hereby repealed.

AFTAB AHMED AKHUND
Advocate-General, Sindh
Sindh Bar Council.