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LAW DEPARTMENT
GOVERNMENT OF SINDH
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PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 18TH APRIL, 2023

NO.PAS/LEGIS-B-29/2021-The Sindh Lawyer's Welfare and Protection Bill, 2022 having been passed by the Provincial Assembly of Sindh on 27th February, 2023 and assented to by the Governor of Sindh on 29th March, 2023 is hereby published as an Act of the Legislature of Sindh.

THE SINDH LAWYER'S WELFARE AND PROTECTION ACT, 2021

SINDH ACT NO. IX OF 2023

AN
ACT

to promote the welfare of Advocates practicing in the Province of Sindh and to provide for the constitution of a Fund and utilization thereof for promotion of welfare of such Advocates and for matters connected therewith or incidental thereto.

Preamble.

WHEREAS to promote the welfare **and professional protection** of Advocates practicing in the province of Sindh and to provide for the constitution of a Fund and utilization thereof for promotion of welfare **and protection** of such Advocates and for matters connected therewith or incidental thereto.

It is hereby enacted as follows:-

CHAPTER-I

Short title, extent and commencement.

1. (1) This Act may be called the Sindh Lawyers' Welfare and Protection Act, 2021.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires –

(a) "Advocate" means a person whose name has been entered in the roll of Advocates prepared and maintained by the Bar Council and who is practicing as an Advocate and is a member of the Bar Association;

(b) "Bar Association" means an association of Advocates, recognized by the Bar Council;

(c) "Bar Council" means the Sindh Bar Council;

(d) "cessation of practice" means removal of the name of an Advocate from the roll of Advocates maintained by the Bar Council on account of his retirement or

death or on account of physical disability or on ground of professional misconduct;

(e) “Chairman” means the Chairman of the Trustee Committee;

(f) "Court" means the Court of civil, revenue, criminal, labour or any other Court or Tribunal or authority, by whatever name called, acting in the proceedings of judicial or quasi-judicial nature;

(g) "dependent" means wife, husband, father, mother and**/or** unmarried minor children of an Advocate who is a Member of the Fund and includes his widowed daughter and major children, who suffer from physical disability or insanity and who are maintained by him or such of them who survive on his death;

(h) "Fund" means the Advocates Welfare Fund constituted under section 3;

(i) “Government” means the Government of Sindh;

(j) "Member of the Fund" means an Advocate admitted to the benefit of the Fund and continuing to be a member thereof under the provisions of this Act;

(k) **“protection” means the protection of Advocates against any criminal action by private parties in discharging of his professional duties/obligations.**

(l) "retirement" means stoppage of practice as an Advocate for reasons other than joining service or for carrying on any other gainful occupation, communicated to and recorded by the Bar Council;

(m) "Stamp" means the Sindh Advocates Welfare Fund Stamp printed and distributed under section **9**;

(n) "suspension of practice" means voluntary suspension of practices as an Advocate or suspension by the Bar Council for profession or other misconduct;

(o) “prescribed” means prescribed by rules or regulations made under this Act;

(p) "Province" means the Province of Sindh;

(q) “Schedule” means a Schedule appended to this Act;

(r) "Trustee Committee" means a Trustee Committee established under section 4; and

(s) “Vakalatnama" means a power of attorney,

memorandum of appearance or any other document by which an Advocate is empowered to appear or plead in any court.

CHAPTER-II

CONSTITUTION OF THE FUND AND ITS ADMINISTRATION

Constitution of Fund.

3. (1) As soon as after the establishment of the Trustee Committee under sub-section (1) of section 4, there shall be constituted a Fund to be called the Sindh Advocates Welfare Fund.

(2) There shall be credited to the Fund –

(a) a substantial grant shall be made by the Government from time to time,

(b) all amounts collected under section 9;

(c) any contribution made by the Bar Council;

(d) any voluntary donation or contribution made by the Bar Council, any Bar Association, any other association or institution, any Advocate or any other person;

(e) any profit or dividend received from the Life Insurance or any other Company or Corporation authorized by Government in respect of policies of group insurance of the members of the Fund or any profit or dividend received from the insurer;

(f) any interest or dividend other return or any investment made of any part of the Fund; and

(g) all sums collected under section 7 by way of application fees, membership fee or other subscriptions and interest thereon.

(3) The sums specified under sub-section (2), shall be paid to, or collected by such agencies, at such intervals and in such manner, and the accounts of the Fund shall be maintained in such manner, as may be prescribed by rules.

(4) The Fund shall vest in and administered by the Trustee Committee subject to the provisions and for the purposes of this Act.

(5) The Fund shall be audited by the Auditor General of Pakistan annually; provided that the Trustee Committee may, with the approval of Government, in addition to the audit by the Auditor General of Pakistan, cause the annual accounts of the Fund be audited, in the prescribed manner by a Chartered

Accountant or a firm of Chartered Accountants.

CHAPTER III
ESTABLISHMENT OF THE TRUSTEE COMMITTEE

Establishment of the Trustee Committee.

4. (1) Government may, by notification, establish with effect from such date as may be specified therein, a Trustee Committee to be called the Sindh Advocates Welfare Fund Trustee Committee.

(2) The Trustee Committee shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall by the said name, sue and be sued.

(3) The Trustee Committee shall consist of: -

(a) the Minister or Advisor for Law, as the case may be, or any person nominated by the Chief Minister to be the Chairman;
(b) Vice Chairman of the Bar Council;
(c) the Advocate-General of Sindh;

(d) the Law Secretary to Government of Sindh;

(e) three other members of the Bar Council, to be nominated by **the Bar Council** in consultation with the Advocate General, Sindh, from amongst its elected members;

(f) the Secretary of the Trustee Committee, who will be nominated by the Chairman; and

(g) two **lawyers** of eminence who have rendered welfare service to the society in the Province of Sindh to be nominated by the Chief Minister Sindh **with consultation of the Bar Council;**

(4) The Members other than ex-officio members shall hold office for a period of three years, unless he resigns or is removed earlier and shall be eligible for re-appointment for one more term of three years.

(5) Chief Minister may remove the member, other than ex-officio member at any time if he has incurred any of the disqualification mentioned in sub-section **(7)**, and appoint another person as the member for the remaining term of the outgoing member.

(6) The non-official member may, at any time, resign from his office by addressing a letter to Chief Minister and his

resignation shall take effect from the date on which it is accepted by the Chief Minister.

(7) No person shall be appointed or continue as a member who -

(a) is or, at any time, has been convicted of an offence involving moral turpitude;

(b) is or, at any time, has been adjudicated as insolvent;

(c) is found to be of unsound mind; or

(d) has a financial interest or an interest, directly or indirectly, in conflict with the interest of the **Fund** and has failed to disclose such interest in writing to the Government.

(8) No act or proceedings of the Trustee Committee shall be invalid merely by reason of any vacancy or defect in the constitution of the Trustee Committee.

Functions of the Trustee Committee.

5. (1) In the administration of the Fund, the Trustee Committee shall, subject to the provisions of this Act and the rules made thereunder –

(a) to collect, preserve, manage and utilize the fund;

(b) to hold the amounts and assets belonging to the fund;

(c) to receive applications for admission or re-admission to the Fund and dispose of such applications within **thirty** days from the date of receipt thereof;

(d) to receive applications from the members of the Fund, their nominees, dependents or legal representatives, as the case may be, for payment out of the Fund, and conduct such enquiry as it deems necessary for the disposal of such applications and shall dispose of the applications within **thirty** days from the date of receipt thereof;

(e) to pay to the applicant amount at the rate specified in the Schedule;

(f) to send such periodical and annual reports as may be prescribed to Government and the Bar Council;

(g) to do such other acts as are, or may be, required to be done by it under this Act and the rules made thereunder.

CHAPTER IV
FRAMING OF SCHEMES

Framing of Schemes.

6. The Trustee Committee in consultation with the Bar Council, may prepare schemes for -

(a) the group insurance of the Advocates;

(b) granting gratuity and retirement benefits to the Advocates enrolled as participating members;

(c) the financial aid to deserving Advocates by way of stipend or on nominal interest repayable in easy installments;

(d) incentive schemes to provide to those Advocates, who actively participate in the process of legal aid to the poor and weaker sections of the society;

(e) medical insurance **including life insurance** of the Advocates;

(f) granting of financial aid to Advocates on roll in case of serious illness;

(g) granting of financial aid to indigent and differently-abled lawyers;

(h) granting of financial aid to dependents of Advocates; and

(i) such other welfare or benefits to the Advocates as it may deem fit.

CHAPTER V
MEMBERSHIP OF FUND AND PAYMENT THEREFROM

Membership of the Fund and payment therefrom.

7. (1) Every Advocate practicing in the Province of Sindh may apply to the Trustee Committee for admission as member of the Fund, in such form as may be prescribed.

(2) On receipt of an application under sub-section (1), the Trustee Committee shall make such enquiry as it deems fit either admit the applicant to the Fund or, for reasons to be recorded in writing, reject the application.

(3) Every applicant shall pay an application fee of rupees one hundred to the account of the Trustee Committee along with the application.

Payment from the fund on cessation of practice.

8. (1) In the event of accidental death of a Member of the Fund, an amount of rupees one **million** will be paid to the nominee or where there is no nominee, to his dependents from the Fund.

(2) In case of cessation of practice otherwise than death, the member or his nominee, as the case may be, shall be entitled to receive such amount as specified in Schedule from the Fund.

(3) An application for payment from the Fund shall be preferred to the Trustee Committee in such form as may be prescribed.

(4) An application received under sub-section (3) shall be disposed of by the Trustee Committee after such enquiry as it deems necessary.

CHAPTER VI
PRINTING AND DISTRIBUTION OF STAMPS

Printing and distribution of stamps by the Trustee Committee.

9.(1) The Trustee Committee shall cause to be printed and distributed the stamps of the value of rupees **one** hundred with the Bar Council emblem and its value inscribed thereon.

(2) The stamps shall be sold by the Trustee Committee.

(3) The Trustee Committee shall control the distribution and sale of the stamps through Bar Associations and Licensed Stamp Vendors in such manner and procedure as may be provided by regulations.

(4) The Trustee Committee shall keep proper accounts of the Stamps in such form and in such manner as may be provided by regulations.

Affixation of Stamps.

10. Every Vakalatnama filed by any Advocate or Member of the Fund, shall be affixed with one stamp provided under section 9 in addition to the required Court Fee Stamp and no Vakalatnama shall be filed before or received by any Court unless it is so stamped.

CHAPTER-VII
MINIMUM STIPEND

Minimum stipend for trainee lawyers.

11. (1) The trainee lawyers or those Advocates who are not High Court enrolled will be entitled to a monthly stipend of rupees twenty thousand.

(2) Any trainee lawyer or Advocates who are not High Court enrolled may make a written complaint to the Trustee Committee if sub-section (1) is not adhered to by their respective employer, and the Trustee Committee after making proper investigation may remove such Advocate from the roll of members of the fund.

CHAPTER-VIII
MISCELLANEOUS

Meeting of the Trustee Committee.

12. The Trustee Committee shall meet, at least once in three calendar months or more often if found necessary, to transact business under this Act or the rules made thereunder.

Manner of holding Meeting.

13. (1) Two-third members of the Trustee Committee shall form the quorum of the meeting of the Trustee Committee.

(2) The meetings of the Trustee Committee shall ordinarily be held at the office of the Bar Council; provided that the Chairman may call meeting of the Trustee Committee at any time at such place and time as he may deem fit.

(3) Any matter coming up before the meeting of the Trustee Committee, shall be decided by a majority of the votes of the members present and voting at the meeting and in the case of equality of votes, the Chairman or the Member presiding over the meeting, shall have a casting vote.

Power to amend the Schedule.

14. (1) Government may, by notification, on the recommendation of the Trustee Committee and having due regard to the availability of the amount in the Fund, amend or modify the rates specified in the Schedule.

(2) Before making recommendation, the Trustee Committee shall consult the Bar Council.

Certain Persons not to be eligible for benefits.

15. No senior Advocate, or a person in receipt of pension from the Central Government or Government, shall be entitled to ex-gratia grant or payment of amount on his cessation of practice under section-8.

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceedings shall lie against the appropriate Government or the Trustee Committee or the Chairperson or a Member or the Secretary of the Trustee Committee or the Bar Council or any person for anything which is in good faith done or intended to be done under this Act or the rules made there-under.

Bar of jurisdiction of civil courts.

17. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided, or dealt with or to be determined by the Trustee Committee or the Bar Council.

18. The Trustee Committee and the Bar Council shall, for the purpose of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure 1908, in respect of the following matters, namely:

Power to summon witnesses and take evidence.

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the-

19. Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

20. The Trustee Committee may make regulations for carrying out the purposes of this Act.

Power to make regulations.

21. The provisions of this Act shall have overriding effect notwithstanding anything contrary contained in any other law for the time being in force.

Overriding effect.

22. If any difficulty arises in the implementation of the provisions of this Act, Government may make such orders, not inconsistent with the provisions of this Act, as may appear to it to be appropriate for removing such difficulty.

Removal of difficulties.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

SCHEDULE

(See section 5(1)(e)

Serial No.	Years of practice	Monthly amount payable (PKR)
1	10	10,000
2.	20	20,000
3.	30	30,000
4.	40	40,000
5.	50 and above	50,000