

RULES OF THE
SUPREME COURT BAR ASSOCIATION OF PAKISTAN

In exercise of the powers conferred by Section 55 of the Legal Practitioners and Bar Councils Act, 1973 and in super session of its Notification No. J24j/Phe/sec176 dated 1st June, 1984, the Pakistan Bar Council makes and promulgates the following rules:

Part 1-Name, OBJECTS AND MEMBERSHIP

Name and commencement:

1. (a) These rules may be called the ¹[Supreme Court Bar Association of Pakistan Rules 1989.]
- (b) The Rules shall come into force at once.

²[Objects and duties]:

2. The objects of the Association shall be:
 - (a) To provide facilities to the members in performance of their professional duties.
 - (b) To preserve, promote and safeguard the interest of the Members.
 - (c) To maintain higher professional standards of probity and integrity amongst its members and to check and eradicate unprofessional practices.
 - (d) To aid and assist the Supreme Court in the administration of Justice;
 - (e) To advance the cause of justice and law;
 - (f) To execute and implement all directions and decisions as made by the Pakistan Bar Council from time to time; and
 - (g) To do all other things as may be necessary to achieve the objects of the Association.

Definitions:

3. Subject to the context, the following words and expression shall have the following meanings in these Rules.
 - (i) ³[“Advocate” means a Senior Advocate, an Advocate or an Advocate-on-Record of the Supreme Court.]

1. Amended vide notification of Pakistan Bar Council dated 1-4-1993

2. Amended vide notification of Pakistan Bar Council published in Gazette of Pakistan extraordinary (Part –II) dated 16-1-93.

3. Amended vide notification of Pakistan Bar Council published in Gazette of Pakistan extraordinary (Part –II) dated 16-1-93.

(ii) ‘Association’ means the ⁴[Supreme Court Bar Association of Pakistan.]

(iii) ‘Committee’ means the Executive Committee as instituted under Rule 8.

(iv) ‘Council’ means the Pakistan Bar Council.

(v) ‘Members’ means a member of the Association.

(vi) ‘Supreme Court’ means the Supreme Court of Pakistan.

(vii) The words not defined in these Rules shall carry the same meanings, which are given to them by the legal Practitioners and Bar Councils Act, 1973.

4. Membership:

- ⁵(a) Every Advocate shall become member of the Association by applying in prescribed form and payment of entrance fee with one month’s subscription as prescribed in Rules 6(a) (ii).

- (b) An Advocate shall apply for membership in the prescribed form duly proposed by a member and seconded by another, accompanied by a deposit of entrance fee with at least one month's subscription as prescribed in Rule 6 (a)(ii).
5. A copy of the Rules for the time being in force, shall be supplied to every Advocate applying for membership.

Amended vide notification of Pakistan Bar Council dated 1-4-1993

- (3) Every Advocate shall be eligible to become a member of the Association.
- (b) (i) Advocates who have applied and paid the prescribed fee under the previous rules shall be deemed to be the members.
- (ii) All Advocates, other than those mentioned in clause (b) (i) above, may become members by applying in the prescribed form and payment of entrance fee with one month's subscription as prescribed in Rule 6 (a)(ii).
- (iii) Enrolment of members shall remain suspended after the expiry of the period of 30 days from the date of notification of the holding of first election of office bearers of the Association.
- (c) (i) All Advocates desirous of being admitted as members, after first election are held, shall apply for membership in the prescribed form duly proposed by a member and seconded by another, accompanied by a deposit of entrance fee with at least one month's subscription as prescribed in Rule 6(a)(iii).
- (ii) A proposal for membership shall be decided by the Committee. In case it is rejected, the aggrieved advocate may file an appeal before the Council within 30 days of the communication of the decision. The decision of the Council shall be final.
- (iv) The time of the filing of appeal may be extended if sufficient cause is shown to the satisfaction of the Council for condoning the delay.

Notification dated July – 4, 2003 substituting the provisions of Rule 6 which read as under:

6. Entrance Fee and Subscription :

“(a) The Membership fee or admissions member shall as under:

(i) Life Membership fee for new members, Rs. 10,000/-

(ii) Life Membership fee for existing Members, Rs. 5000/-

(b) The Committee may enhance membership fee from time to time subject to approval of the Pakistan bar Council.]

Non payment of subscription

7. (a) A member who fails to pay monthly subscription for [three] consecutive months shall be served with a notice by the Secretary requiring the member concerned to pay the arrears within one month of the receipt of the notice alongwith any additional subscription due. If the member fails to pay the said arrears within the said time , his membership stand suspended automatically. If the member remains in arrears for a total period of six months inspite of the receipt of the notice of the Secretary, his name shall be placed before the Committee for consideration of removing him from membership. The Committee, after hearing the members, may condone the delay if sufficient cause is shown and if the Committee be not satisfied, may remove his name from membership.

Provided that any member, whose membership stands suspended, shall lose all privileges of a member during the period his membership is under suspension.

Provided further that the member whose membership is under suspension may clear all the dues before the matter is placed before the Committee and on receipt of such payment the suspension of his membership shall automatically stand removed.

(a) The entrance fee for admission as member and monthly subscription shall be as under:

Entrance Fee

Monthly Subscription

- (i) Members already enrolled
Rule 4(b) (i) Nil Rs. 50/-
- (ii) Advocate to be admitted as
Member under Rule 4(b) (ii) Rs. 200/- Rs. 50/-
- (iii) Advocate enrolled after the
First election under Rule 4(c) Rs. 1000/- Rs. 50/-
- ^{6A}[(iv) Life Membership for new
Existing members. Rs. 5000/-
- (v) The Committee may enhance the amount of monthly subscription, entrance fee and life membership fee]
- (b) The monthly subscription already paid by existing members and members enrolled under Rule 4(b) (ii) shall be deemed to be their monthly subscription for the month in which the first election is held.
- (c) The monthly subscription shall be paid by the members in advance by the 10th of each month.
- 6A Added vide notification dated the July, 28, 1999 and published in the Gazette of Pakistan Extra July 29, 1999.P. 1662 Part II.
7. Amended vide Notification of PBC published in Gazette of Pakistan Extraordinary (Part II) dated 16.1.93.
- (b) Any person removed from membership by the Committee under sub rule (a) above may apply a fresh for membership in accordance with the Rules with the deposit of entrance fee as per rule 6 alongwith all the arrears of subscription for which he was in default as well as the period subsequent there to upto the date of application.

PART II – ELECTIONS

Executive Committee

8. The members 8[in accordance with election program declared by the Committee] shall elect every ⁹[year] an Executive Committee consisting of (i) President (ii) Four Vice Presidents (iii) Secretary (iv) Additional Secretary (v) Finance Secretary and (vi) Fourteen members to be elected from amongst the members in the manner prescribed under these Rules:

Qualification

9. A candidate contesting election for any of the post of office bearers mentioned in Rule 8 above must possess the qualification shown against each post as under :-
- ¹⁰[(a)President : The President shall be elected from amongst the Members with not less than ten years standing as an Advocate of the Supreme Court. Provided that the office of the President shall be rotated amongst the provinces in the following manner :
- i) Balochistan
- ii) North West Frontier Province

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8. Notification dated July 28, 1999 substituting the word “ in the general meeting”
9. Notification dated July, 4, 2003 substituting the word “ year” for the words “ two years”.
10. Notification dated July, 4, 2003 substituting 9(a) which earlier read as under :
- President: The President shall be elected from amongst the members with not less than ten years standing as an Advocate of the Supreme Court.
- ^{10A}[“ provided that the members belonging to a particular province shall not be eligible to contest election for the office of President for two consecutive terms.
Provided further that the members from Islamabad / Rawalpindi shall be deemed to belong to the province of the Punjab.
Provided also that for the elections to be held in the year 1999, no member from the province of the Punjab shall be eligible to contest for the office of the President.”]
- 10A. These provisos were added by Notification dated July 28, 1999.
- iii) Punjab
- iv) Sindh
- v) Punjab

Provided also that only such member shall be eligible to contest the election for the President who belongs to the province entitled to Presidentship according to the rotation stated above and is otherwise qualified to be elected as President. Provided further that the members from Islamabad / Rawalpindi shall be deemed to belong to the Province of the Punjab.

- (b) Vice-President: Four Vice-Presidents, one from each province of Baluchistan, KPK , Punjab and Sindh, shall be elected from amongst the members not less than 7 years standing as Advocates, provided that the inter-se seniority of the Vice-Presidents will be determined according to their age.
- (c) Secretary : The Secretary shall be elected from amongst the members with not less than 5 years standing as an Advocate of the Supreme Court.
- (d) Additional Secretary : The Additional Secretary shall be elected from amongst the Members with no less than 3 years standing as an Advocate and who ordinarily resides and practices at Rawalpindi / Islamabad in the Supreme Court.
- (e) Finance Secretary : The Finance Secretary shall be elected from amongst the members with not less than 3 years standing as an Advocate and who ordinarily resided and practices at Rawalpindi/Islamabad in the Supreme Court.
- (f) Members of the Executive Committee: Fourteen members of the Executive Committee of whom at least to shall be from each province, having ordinary place of practice and residence in the Province concerned shall be elected from amongst members.

Casual Vacancies and Absence from Office :

- 10. In case the office of the President falls vacant on account of death, resignation or incapacity to act as such or his removal or absence of his having obtained leave from the Committee, the most Senior Vice- President shall act as the President for the unexpired term of the President or, as the case may be, unless the President resumes his office.
- 11. (a) Casual vacancies occurring in other office of Committee members may be filled in by appointment made by the Committee from among its member in conformity with the rules regarding qualifications till the next election is held or the incumbent resumes his office, as the case may be.
(b) In case a member so qualified is not available, the Committee may coopt any member of the Association with requisite qualifications for filling up the vacancy.
- ¹¹[12. The election of the office bearers and members of the Committee shall be held every 12[year] on or before 31st of October.
“Provided that if the Committee does not announce the schedule or election on or before 15th of September of the relevant year, the office bearers and members of the Committee shall cease to hold their offices immediately after 31st of October and meanwhile the Executive Committee of the Pakistan Bar Council shall hold the election within the stipulated time.”]
- 13. ¹³(a) The election of office bearers and members of the Committee shall be conducted by the Committee and it may constitute an Election Committee of five advocates of not less than fifteen years standing as advocate of the Supreme Court of Pakistan to oversee the conduct of elections. Any sitting member of existing Committee desirous of contesting election shall not be member of the Election Committee. The Committee shall :-]
 - (i) Prepare are list of voters in accordance with the relevant provisions or rule 4:
 - (ii) issue the election program setting forth the date, time and place for filing of nomination papers, their scrutiny, hearing of objections and decisions thereon, hearing of an appeal against any such decision, issuing the final list of candidates, holding of elections, unofficial count of votes, official count of votes including recount, if necessary, and consolidation and declaration of results; and
 - (iii) appoint Presiding Officers, Polling Officers and other staff, as it deems fits.
- (b)(i) any person aggrieved by rejection of his nomination paper or acceptance of any nomination paper may file an appeal before the Executive Committee of the Pakistan Bar Council within two days of such decision.

- (ii) Any person filing the appeal shall, on the date of its filing, serve a notice of filing of the appeal on the respondent (s), if any, person in person or by a telegram; Provided that a person at whose objection the nomination paper has been rejected or a person whose nomination paper has been accepted shall be deemed to have notice of the appeal, if any, and shall make himself available on the date fixed for hearing of objections in person or through an authorized agent at the time of hearing of the appeal. If he so desires, failing which the appeal may be heard in his absence.
- (iii) The Executive Committee, after hearing the appellant and the respondent, if any, and after pursuing the relevant record, allows or dismisses the appeal and its decision shall be final.
- (c)(i) Any candidate aggrieved by the result for the post for which he was a candidate or aggrieved by any decision adversely affecting such result may file an appeal before the Executive Committee of the Pakistan Bar Council within 15 days of declaration of the result.
- (ii) The Executive Committee shall hear and decide the appeal in its meeting unless, for reasons to be recorded, the hearing is adjourned to another date.
- (iii) The authority hearing the appeal may, in the interest of justice, pass such interim orders, as it may think necessary.

11 Notification dated July 28, 199 substituting Rule 12 which earlier read, “The election of the office bearers and members of the Committee shall be held every two years, except the first election, which will be held on such date as the Pakistan Bar Council may decide and for such period as it prescribes.

12 Notification dated July-4-2003, substituting the word “year” for the word “two years”.

13 Notification dated July 28, 199 substituting Rule 13(a) which previously read as under :

The first election of office bearers and Committee shall be conducted by the Pakistan Bar Council through its Executive Committee, provided that any Member of the Executive Committee of Pakistan Bar Council who will contest election of any office of the Association, shall not act in the Committee. The Executive Committee of Pakistan Bar Council shall prepare the list of voters in accordance with the relevant provision of Rule.

- 14. (a) Every election 14[] shall be conducted by the Committee of the Association or through a sub-committee appointed by it.
- (b) The Committee, or as the case may be, the sub-committee shall perform all duties and functions in relation to the relevant election, as are enumerated in clauses (1)(ii) and (iii) of Rule 13 (a).
- (c) When the Executive Committee or a sub-Committee conducts the election and performs the duties and functions enumerated in clauses (i), (ii) sub rule (a) of Rule 14, the provisions of sub-rules 3 (b) and (c) of Rule 13 shall be applicable, wherever the context so requires.
- (d) The term of office of the office bearers and members of the Committee shall be ¹⁵[one year] and it shall expire on ¹⁶[31st October] of the ¹⁷[] year.

PART III – MANAGEMENT AND CONTROL

- 15. The affairs of the Association shall, subject to these Rules and the control of the members in general meeting assembled, be managed and controlled by the Committee and the office bearers shall act and perform, in the manner prescribed, the duties assigned to them respectively under these Rules or by the Committee.

The President.

- 16. (a) The President shall be the Chief Executive of the Association and shall act subject to the control of the Committee and the general meeting.
- (b) The President shall preside over all meetings of the Association and the Committee at which he is present.

Vice-Presidents.

17. In the absence of the President, the most senior Vice-President shall act in place of the President and perform his duties and functions.

Secretary :

18. (a) The Secretary shall be the overall incharge of the office of the Association and its record and shall carry out the directions given to him, from time to time, by the general meeting, the President, or the Committee.
- (b) It shall be the duty of the Secretary to supervise the secretarial work and carry on all correspondence of Association. In the performance of his duties, he shall act under any special directions that might issue from the President, or the Committee, as the case may be. The correspondence carried on by him on behalf of the Association shall ordinarily be issued by him under his own signature, unless on any special reason the President, considers it necessary to sign any important communication that may have to be issued on behalf of the Association.

14. Notification dated July 28, 1999 deleting the words “after the first election.”

15. Notification dated July 4, 2003 substituting words “one year” for “two Years”.

16. Notification dated July 28, 1999 substituting the words “30th April”.

17. Notification dated July 4, 2003 deleting the word “relevant”.

- (c) The Secretary shall sign all notices required by these Rules to be sent to the members or any other person.
- (d) The Secretary shall record the proceedings of the general meetings and the meetings of the Committee, which shall be countersigned by the President after they are approved by the body concerned and shall form part of the record of the Association.

Additional Secretary

19. In the absence of the Secretary, the Additional Secretary shall perform his duties and functions.
20. (a) The Finance Secretary shall jointly with the President and / or the Secretary operate the accounts of the Association if so directed by the Committee.
- (b) He shall prepare the quarterly financial report of the Association alongwith the statement of assets and liabilities of the Association and shall place it before the Committee and submit his recommendations for improvement of financial position of the Association.
- (c) Subject to the directions and control of the Committee, he shall be responsible for raising funds for the Association.
- (d) The Finance Secretary shall maintain proper accounts of the Association in such form as the Committee may from time to time prescribe.
- (e) The Finance Secretary shall cause to be prepared and placed on the notice board every month an account showing the amounts due from the members of the Association and issue notice to them.

Part IV - MEETINGS

Meeting of the Committee :

21. The Committee shall ordinarily meet a least once within every 3 months after the last meeting except during the months that fall in the long summer vacations of the Supreme Court.

Powers of the Committee :

22. The Committee shall, subject to the control of the members in general meeting assembled, in addition to all other powers conferred upon it by any of these rules, have the powers :-
- (i) to maintain such establishment of employees for the Association as it may deem fit;
 - (ii) to appoint and suspend or dismiss from their employment any of its employees;
 - (iii) to determine and regulate the remuneration, duties and terms and conditions of service of all such employees.

- (iv) to expend within budgetary provisions to meet the requirements of the Association;
- (v) to maintain a library for the use of members and regulate its use either directly or through a sub-committee;
- (vi) to strive for obtaining grants-in-aid from the Federal Government for maintenance of Library, Bar Room(s) and other necessities and amenities for use and benefit of the members;
- (vii) to appoint, if an occasion arises, sub-committees for the disposal of any class or kind of business and may regulate the manner in which any such sub-committee shall discharge in functions, provided that an appeal may be made to the Committee from any decision of a sub-committee which adversely affects any member; and
- (viii) to make bye-law, consistent with these Rules, for regulating its own proceedings or that of any sub-committee appointed by it as well as for the conduct of business by the Secretary and for regulating the duties of all or any of the employees of the Association and the manner in which the property, account and records of the Association are to be kept and may amend the bye-laws so made at any time.

Notice :

23. Notice of the meeting shall be sent to all members of the Committee at least fifteen days in advance with the agenda unless, for special reason, the President orders a shorter notice.

Quorum :

24. The quorum of the meeting of the Committee shall be of seven members.

General Meetings: Annual and Special General Meetings:

Annual General Meetings:

25. (i) Annual general meeting shall be held in the month of ¹⁸[October] every year on a date, place and time to be fixed by the Committee.
- (ii) In the annual general meeting every member shall have a right to participate and vote.
- (iii) In the annual general meeting the Secretary shall present a report on the affairs and the general working of the Association for consideration.
- (iv) The Finance Secretary shall present before the meeting accounts from 1st January to 31st December, of such year alongwith Balance Sheet and audited Accounts for approval.
- (v) The Additional Secretary shall present a report in respect of the Library and seek directions of the meeting for regulating and improving the library.
- (vi) The meeting shall elect or appoint an audit for the next year, who shall audit the accounts of the Association and submit his report.
- (vii) The meeting shall consider all motions and resolutions directed at achieving all or any of the objects of the Association.

Notice :

26. Not less than ¹⁹[twenty-one] days notice of the annual general meeting, alongwith the agenda shall be sent to every member under a certificate of posting. Notice shall also be pasted on the notice board of the library and in the offices of all the High Court Bar Associations.

18 Notification of July 28, 199 substituting the word "April"

19 Ibid. Substituting the word "thirty"

20 Ibid. Rule 27 previously read as under.

One fifth of total membership shall form the quorum

Quorum :

27. ²⁰[Deleted]

Special General Meeting:

28. (a) Special general meeting may be convened for consideration of the Association.
- (b) (i) The Committee, whenever it thinks necessary, may convene special general meeting with a notice of 10 days.
- (ii) Not less than ²¹[one hundred fifty] members may require the President to convene a special meeting. Every such requisition shall be made in writing, shall state concisely the business to be laid before the proposed meeting and shall be dated and signed by the requisitionists under their names and delivered to the Secretary.
- (c) The special general meeting convened by the Committee or on requisition shall not consider any business other than the business entered in the notice of such meeting.
- (d) No resolution seeking amendments in the Rules shall be considered in any special general meeting.

Notice:

29. The Secretary, after consultation with the President and within 7 days of the receipt of the requisition, shall issue a notice to the members for a meeting to be held within 21 days of the receipt of the requisition with at least ten days notice of the meeting to the members.

QUORUM OF ANNUAL AND SPECIAL GENERAL MEETING:

- ²²[30. One hundred and fifty members shall form the quorum of the meeting. If the meeting is adjourned for want of quorum the quorum of the adjourned meeting shall be one hundred members.]

PART – EXPENDITURE AND ACCOUNT

31. (a) The expenditure of the association would be categorized into two heads:-
- (i) Recurring expenses which shall mean establishment charges, cause list charges and book binding charges;
and
-
- 21 Ibid. Substituting for the words “one- tenth of the total”
- 22 Ibid. The previous Rule 30 read as under :
- One fifth of the total membership shall form the quorum of the meeting. If the meeting is adjourned for want of quorum the quorum of the adjourned meeting shall be one tenth of the total membership.
- (ii) Non-recurring expenses which shall mean expenses other than recurring expenses.
- (b) The Secretary is allowed to spend amounts required under head (i) above and upto Rs. 23[10,000/-] in a month under head (ii) above without obtaining the previous sanction of the Committee. The Committee may spend any amount subject to the control of the Association Audit.
32. The accounts of the Association shall be audited at least once a year by the Auditor who shall examine the entire accounts of the Association and shall have access to its account and vouchers during office hours, throughout the year;
33. The auditor shall check the Revenue Account and Balance Sheet and shall, after making such corrections therein, as he may deem proper countersign the same. The Auditor shall submit annually in the month of March to the Committee a brief report on the state of the accounts. The auditor’s report shall be laid before the annual general meeting with the Revenue Account and Balance Sheet for the period commencing from 1st of January of 31st December, of the relevant year.

34. The Committee shall be in over all control of the Library of the Association and the management and use of Library the Committee may issue necessary instructions, frame bye laws, from time to time in that behalf and may amend any of the said instructions or bye-laws.
35. The Committee may appoint a sub-committee to look after the affairs of the Library and its staff.
36. The Committee or, as the case may be, the sub-committee shall print a catalogue of all the books of the Library and shall keep the said catalogue upto date by printing list of the books purchased or received from time to time and make catalogue and additions thereto available to every member free of charge or at such rate as the Committee may determine to defray the printing expenses.

PART VI – POWERS AND PROCEDURE IN DEALING WITH MEMBERS ETC.

Enquiry into offences:

37. (a) The Committee shall have power, either upon complaint made to it, or if its own motion, to enquire into the conduct of any member, so far as such conduct relates to any breach of the rules or bye-laws and for the purposes of any such inquiry, may do all acts and things which may be necessary or expedient the Committee to render such inquiry affective;
 Provided that the Committee shall not take any action as a result of such inquiry unless it informs the member concerned of the nature of the charge and affords him a reasonable opportunity of being heard.
- (b) If, after such inquiry and after hearing the member concerned, if he chooses to be heard, the Committee is of the opinion that a breach of any of the Rules or bye-laws has been committed, it shall submit a report to the general meeting.
- (c) The general meeting, after hearing the member concerned shall take the final decision by either exonerating him or expelling the member or suspending the member from membership for a specified period or reprimanding him.

PART VII – MISCELLANEOUS

Cessation of Membership:

38. Any member whose name has been removed from the Rolls of the Advocates of a Bar Council shall cease to be a member from the date on which his name is removed from the said Roll and if he is holding any office or is a member of the Committee, he shall stand removed from the said office or membership, as the case may be.

Appeals:

39. (a) Every order or decision of the Committee shall be subject to an appeal to the Executive Committee of Pakistan Bar Council by he member adversely affected by such order or decision.
 (b) Every such appeal shall be in writing and shall be signed by the person affected and delivered to the Secretary of Pakistan Bar Council within fifteen days of communication of the order of decision from which appeal arises.
40. Every resolution varying, adding to or canceling any of the Rules shall be subject to approval by the Council and shall be attached to theses Rules and all variations, additions or cancellations thereby made shall, unless be specified in such resolution, take effect as from the expiry of one month after the passing such amendments.
The Rules of the Association shall be printed and if amended shall be corrected and brought up-to-date by the Secretary, Pakistan Bar Council.
41. These Rules shall come into force from the date of notification in the official gazette.

Implementation

42. Should any difficulty in the implementation of the provisions of these Rules touching and concerning the holding of First election of the Association arise, it shall be within the competence of the Committee appointed under Rule 13(a) by means of resolution to be passed by it in that behalf, to so alter the relevant Rules as to remove the difficulties so as to enable the elections to the various offices contemplated by the Rules, to be held. Such a resolution passed by it will be placed in the next meeting of the Council to confirm such

amendments or to suitably alter them, thereby making them a permanent part of the present Rules.

Amendments

43. Subject to the approval of the council; the Rules can be amended by a two third majority of the membership of the Association participating at the Annual General Meeting of the Association;

Provided a notice of the proposed amendments is duly sent to all members at least one month before the holding of such a meeting. The move to amend these Rules can be sponsored by the Committee or any thirty members.

Provided further that no such motion shall be considered by a meeting, which has been adjourned due to lack of quorum.

Membership Form (Sec Rule 4)

To

The Secretary,
Pakistan Bar Council / Supreme Court Bar Association,
²⁴[Islamabad]

Dear Sir,

I hereby apply for the membership of the Supreme Court Bar Association of Pakistan under Rule 4 (ii) if the Rules of the said Association.

My particular are as under:-