P. ART II

THE GAZETTE OF PAKISTAN, EXTRA,
JUNE 30, 2020

ISLAMABAD, TUESDAY, JUNE 30, 2020

PART II
Statutory Notifications (S.R.O.)

PAKISTAN BAR COUNCIL
NOTIFICATION

Islamabad, the 25th June, 2020

S. R. O. 588(I)/2020.—In exercise of the powers conferred by Section 55 of the Legal Practitioners & Bar Councils Act, 1973 (XXXV of 1973) and all other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following amendments in the “Pakistan Legal Practitioners and Bar Councils Rules, 1976”:

1. Short title and commencement:
   (i) These Rules may be called the “Pakistan Legal Practitioners and Bar Councils (Amendment) Rules, 2020”.
   (iii) They shall come into force at once.

2. Amendment of Rule 10-A.
   The existing Rule 10-A, may be substituted by the following:-

   “10A (1). No prospective and/or contesting candidate or his/her supporter/s shall canvass for votes through advertisement, banners, pla-cards, stickers, panaflex, hoardings, calendars, dairies, key-chains and posters etc., He/She may, however, solicit support through personal contact and by

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issuing letters and visiting cards of the maximum size of 3x5 inches on which he/she may also display his/her photograph. No prospective and/or contesting candidate or his/her supporter/s shall use or show of any kind of weapon during election campaign or on the day of election:"

Provided that no prospective and/or contesting candidate or his/her supporter/s shall canvass for votes by approaching a voter, directly or indirectly, at his/her residence.

(2) No meal/lunch/dinner/breakfast/hi-tea by a contesting candidate or his/her supporter/s will be given to voters directly or indirectly in connection with election campaign;

(3) It shall be the pre-requisite that a contesting candidate is purely a professional practicing Advocate. To meet the requirement being of a professional practicing Advocate, the candidate shall file certified copies of powers of attorney at least of his/her 20 cases per year relating to preceding 3 years, together with certified copies of final decisions/orders/judgments given/passed by the Court concerned at least in his/her 25 cases independently conducted by him/her in the District Courts and 25 cases independently conducted by him/her in the High Court, during the period of his/her practice.”

3.  **Addition of new Rule 10-B:**

After the Rule 10-A, as amended, the following new Rule 10-B, may be added:—

“10-B. Any violation of Rule 10-A shall be treated as “misconduct” disqualifying/disentitling the prospective and/or contesting candidate to contest election for the Bar Council.”

4.  **Amendment of Rule 15:**

The existing Rule 15, may be substituted by the following:—

“15. The Returning Officer shall, for the purpose of conducting the election, appoint such number of Presiding Officers, not below the rank of Additional District and Sessions Judge, as he may consider necessary, for his assistance.”

5.  **Amendment of Rules 17 to 22 and Rules 24 & 25:**

The words “Polling Officer” wherever mentioned in Rules 17, 18, 19, 20, 21, 22, 24 and 25, shall be substituted by the words “Presiding Officer”.

6.  **Amendment of Rule 175-H:**

The existing clauses (a) & (b) of Rule 175-H, may be substituted by the following:

(1)“(a). No prospective and/or contesting candidate or his/her supporter/s shall canvass for votes through advertisement, banners, pla-cards, stickers,
panaflex, hoardings, calendars, dairies, key-chains and posters etc. He/She may, however, solicit support through personal contact and by issuing letters and visiting cards of the maximum size of 3x5 inches on which he/she may also display his/her photograph. No prospective and/or contesting candidate or his/her supporter/s shall use or show of any kind of weapon during election campaign or on the day of election:"

Provided that no prospective and/or contesting candidate or his/her supporter/s shall canvass for votes by approaching a voter, directly or indirectly, at his/her residence.

(b) No meal/lunch/dinner/breakfast/hi-tea by a contesting candidate or his/her supporter/s will be given to voters directly or indirectly in connection with election campaign;"

(2) The existing part (i) of the “Explanation” under clause (c), may be substituted by the following:

“To meet the requirement of being a professional Advocate, it will be mandatory that a candidate for the office of President shall file certified copies of powers of attorney at least of his/her 20 cases per year relating to preceding 3 years, together with copies of final decisions/orders/judgments given/passed by the Court concerned at least in his 50 cases independently conducted by him/her during the period of his/her practice, in Sub-Divisional Courts, District Courts or the High Court, for contesting election of a Bar Association at Sub-Divisional/Taluka, District or High Court level, as the case may be.

However, each candidate for the offices of Vice-President and Secretary shall file certified copies of powers of attorney at least of his/her 10 cases per year relating to preceding 3 years, together with copies of final decisions/orders/judgments given/passed by the Court concerned at least in his/her 30 cases independently conducted by him/her during the period of his/her practice; whereas each candidate for the offices of Finance Secretary, Library Secretary and Members of Executive Committee etc. shall file certified copies of powers of attorney at least of his/her 05 cases per year relating to preceding 3 years, together with copies of final decisions/orders/judgments given/passed by the Court concerned at least in his/her 10 cases independently conducted by them during the period of his/her practice.”

(3) After existing clause (c), as amended, the following new clause (d) may be added:

“(d) Any violation of clause (a), (b) and/or (c) above, shall be treated as “misconduct” disqualifying/disentitling the prospective and/or contesting candidate to contest election for a seat of the Bar Association concerned.”

7. Amendment of Rule 175-I:

The existing Rule 175-I, may be substituted by the following:

“175-I Nomination of the Election Board:

(1) The President of the concerned Bar Association shall nominate within three months of his election, the Chairman and four members of the
Election Board, two of whom would be the immediate former Presidents of
the concerned Bar Association, duly qualified as per requirements of sub-
rule (2), and the Board so nominated shall look after and deal with all
matters necessary for and ancillary to, for ensuring holding of fair, free
and transparent election of the Bar Association concerned;

(2) The qualifications for the Chairman and Members of the Election Board,
for holding election of a Bar Association, shall be as under:

(a) For the election of District and the Tehsil/Taluka Bar Association,
the Chairman shall have the standing as an Advocate of the lower
Courts for 15 years whereas the Members for 7 years; and

(b) For the election of the High Court Bar Association the Chairman
shall have the standing as an Advocate of the High Court for 15
years whereas the Members for 10 years.

(3) The Election Board shall ensure that requirements of Rule 175-H, are
implemented by all concerned, in letter and spirit, and in case a candidate
or his/her supporter/s is/are found delinquent and violating requirements
of the said Rule, it may file a reference to the respective Bar Council for
action against him/them in accordance with the Rules.

(4) The Chairman Election Board shall make a written request, at least 15
days before the commencement of election process/programmes, to the
learned District Judge of the District concerned, in case of election of Bar
Association at District level, and the learned Senior Civil Judge, in case of
election of Bar Association at the level of Sub-Division, Taluka, for
nomination of an Additional District Judge and the Civil Judge, to act as
Returning Officer for conducting polling of votes of election of the Bar
Association of the concerned District and Tehsil/Taluka of that District, as
the case may be. ”

8. Amendment of Rule 175-K:

The existing clause (a) of Rule 175-K, may be substituted by the following:

“(a) No member of a Bar Association shall have a right of vote in election
unless he/she is member of the Bar Association concerned, continuously
for a period of two years before the election. In case of transfer of name of
a voter member from one Bar Association to another, the transferee
member/voter will be eligible to cast his/her vote in election of the Bar
Association to which he/she gets his/her name transferred, only after
expiry of two years of such transfer.”

[No. 705/PBC/SEC/2020.]

ABID SAQI,
Vice-Chairman.

MUHAMMAD ARSHED,
Secretary.