



**OFFICE OF THE
KHYBER PAKHTUNKHWA BAR COUNCIL PESHAWAR.**

1st FLOOR G-BLOCK KHYBER ROAD PESHAWAR

PH: 091-9211172, 091-9212415 Fax: 091-9213914

E-mail: support@kpbarcouncil.com

www.kpbarcouncil.com

Ref No: 2338 KP.BC

DATE: 29-12-2014

CIRCULAR

The President,
District/Tehsil /Sub Tehsil Bar Associations,
Khyber PakhtunKhwa.

Subject:- Compliance of Rules with intimation to Khyber PakhtunKhwa Bar Council.

Dear Sir,

Please take compliance notice of the following rules of Khyber PakhtunKhwa Bar Council Rules 2010 with intimation/reply to the undersigned before 20th January 2015, as your Bar Associations elections shall held in 3rd week of March 2015 for which as per definition of voter the criteria of clearance of Bar Council dues will be upto the year 2014.

Also display this circular on the notice board of your Bar Association for general information of the advocates.

Definition of Voter under Khyber PakhtunKhwa Bar Council Rules 2010 under Rule 2(O).

“Voter” means,-

in relation to election to Bar Associations, an Advocate whose name for the time being appears on the roll of Bar Council and on the roll of concerned Bar Association, to whom an Identity Card has been issued by Bar Council and who is not in arrears of dues of Bar Council and Bar Association as the case may be, for a period exceeding 6 months;”

Section 62 (4) of Legal Practitioners and Bar Council Act 1973

“ An advocate shall not exercise the rights and privileges under this Act without making payment of the dues to the Pakistan Bar Council or a Provincial Bar Council as may be prescribed by the Rules or Bye_laws of such Bar Council.”

Section 62 (5) of Legal Practitioners and Bar Council Act 1973

“Every advocate shall be liable to pay contributions to the Benevolent Fund under this section and Rules made thereunder to the Provincial Bar Council concerned notwithstanding his enrollment as an advocate or advocate-on-record of the Supreme Court of Pakistan.

Rule 82 of the Khyber PakhtunKhwa Bar Council

“Every recognized Bar Association shall within four weeks of making any amendment in its constitution, forward a copy of the same to the Bar Council for approval.”

Rule 84 of the Khyber PakhtunKhwa Bar Council

“Every recognized Bar Association must furnish to the Bar Council by 31st December of every year a **list of its practicing Members as Advocates and as Advocates of the High Court** along-with the dates of their enrollment. A list of office bearers with full particulars shall be furnished within a month of the annual election.”

Rule 85 of the Khyber PakhtunKhwa Bar Council

No person shall [regularly]* practice as an Advocate [in the province of Khyber PakhtunKhwa]* unless he is [on the Roll of Khyber PakhtunKhwa Bar Council and a registered]* Member of a recognized Bar Association: [inserted vide Notification No 1096/KP/BC dated:17-8-2013]

[Provided that an Advocate may become a Member of more than one Bar Association, but can exercise his right of vote in the election of Bar Association as per his place of Practice as mentioned in KP Bar Council Roll,]*[amended vide Notification No 1096/KP/BC dated:17-8-2013]

[Provided that a member may cast his vote in the election of High Court Bar Association at the place where he ordinarily Practice.]* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]

[Provided further that no member of Bar Association shall have right of vote in the election unless he has completed at least six months as member of the concerned Bar Association.]* [Inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Rule 88 of the Khyber PakhtunKhwa Bar Council

The applicant shall, within six months of his enrollment as an Advocate, inform the Bar Council of the date of application for admission as a Member of such Bar Association and shall forward a copy of receipt of such application duly signed by the secretary of such Bar Association. The license of the Advocate, who has not without reasonable excuse, so intimated to the Bar Council shall stand automatically suspended:

Provided that it shall be restored on his showing reasonable cause for the failure *[to secretary Bar Council within period of three months of suspension failing which his license to practice shall deem to be cancelled.]**
[inserted vide Notification No 1096/KP/BC dated:17-8-2013]

Rule 93 of the Khyber PakhtunKhwa Bar Council

Bar Council shall supervise all the functions of Bar Associations in the province including Audit/ Accounts of funds of the Bar Association. The *[out going]** president and the General Secretary of the Bar Association shall submit report of the yearly income and expenses along-with the audit report of the concerned Bar Association to the Bar Council, *[before the end of his/their tenure]** failing which he or they shall not be eligible for five (5) years to contest the election of the Bar Association or the Bar Council, besides any other punishment provided in any law/ rules. *[inserted vide Notification No 1096/KP/BC dated:17-8-2013]*

Provided that disciplinary proceedings shall be initiated against the President and the General Secretary of the Bar Association concerned and if anyone or both of them found guilty of non compliance of the rules or of misuse or misappropriation of the funds or property of the Bar Association, on the application of a Advocate of the concerned bar association, shall also be liable to disciplinary action. Besides the aforesaid punishment.

Rule (94)

All the Bar Associations in the province shall conduct their annual election within the prescribed period and procedure provided in the Pakistan Bar Council Rules 1976 (*amendment 2013 Notification No: 455/PBC/SEC/2013 dated May 2, 2013*) as under,

Rule 94(i) The election to district/tehsil Bars of Khyber PakhtunKhwa shall be held on last Saturday of March each year whereas the election of each of High Court Bar Association in that province shall be held on last Saturday of April each year”.

Rule 94(ii) No contesting candidate or his supporter shall canvass for votes through advertisement, banner, pla- cards, stickers and posters.

Rule 94(iii) No meal/ lunch/ dinner by a contesting candidates or his supporter will be given to voters directly or indirectly in connection with election campaign.

Rule 94(iv) it shall be the pre-requisite that contesting candidate for an office of Bar Association is purely a professional practicing advocate and is member of the Bar Association concerned for not less than three years having active length of practice as under:-

Post	Length of Practice
President	10 year in case of Tehsil/ Taluka Bar Association 15 years in case of District and High Court Bar Association
Vice President	7 year in case of Tehsil/ Taluka Bar Association 10 years in case of District Bar Association 12 year in case of High Court Bar Association

Secretary	5 year in case of Tehsil/ Taluka Bar Association 7 years in case of District Bar Association 10 year in case of High Court Bar Association
Other offices i.e Finance Secretary, Library Secretary, Member, Executive committee	3 years

Explanation:-

- I. To meet the requirements being of a professional practicing advocate the candidates shall file certified copies of powers of attorney at least of 15 cases per year relating to preceding 3 years; and
- II. The length of practicing as mentioned above means practice as an advocate of subordinate courts for contesting election against an office of the District / Tehsil/ Taluka Bar Association and practice as an Advocate of the High Court for contesting election for an office of the High Court Bar Association.

Rule 94(v) Qualification of Chairman and Members of Election Board:-

The qualification for chairman and members of Election board for holding election of a bar Association shall be as under:-

- a. For the election of District / tehsil Bar Association the Chairman shall have the standing as an advocate of lower courts for 10 years whereas the members for 7 years.
- b. For the election of 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.

Rule 94(vi) The President /Secretary of a Bar Association shall prepare a list of eligible voters at least two months before the date of election and display it on the Notice Board of the Bar Association and shall also notify it to members of the association inviting objection, if any. The list will be given final shape viz-a-viz dues for the purpose of election of Bar Association and provincial Bar council concerned, as the case may be, and sent to concerned Provincial Bar Council for authentication, at least thirty days before the date of election. The Provincial Bar Council shall notify the list at the earliest but not later than twenty days before the date of election.

Rule 94(vii) Right of Vote:

- a. No member of a Bar Association shall have a right of vote in the election unless he has completed at least six months of his being member of the Bar Association concerned.
- b. Before poll of the vote, the voter shall have to produce his identity card issued by the concerned Provincial Bar Council or the Bar Association.

As per Bar Council record the names mentioned in the attached list are enrolled advocate / advocates High Court please pin point clearly whether

- i. the names exist in your Bar Association record
- ii. Are they practicing advocate?
- iii. Are they engage in any business, trade, service (Government / Non Governmental Organization) or any other employment?
- iv. Are they non Practicing?

In the light of Khyber PakhtunKhwa Bar Council and Pakistan Bar Council decisions in respect of Bar Associations election. You are requested to hold your elections on the Khyber PakhtunKhwa Bar Council provided list of advocates (whose dues are cleared upto 31st December 2014). The definition of vote is cited on the top of this letter.

It is pertinent to mention that Bar Council dues, means the outstanding amount, enrollment fee, annual fee, Benevolent fund contribution or any other amount due to him/her.

Your prompt action of reply will be highly appreciated.

(NAEEM PERVAIZ)
SECRETARY

Copy to:- Members Khyber PakhtunKhwa Bar Council for information.