

**REGISTERED L No. 1176**

**“THE GAZETTE OF AZAD JAMMU AND KASHMIR”  
EXTRA ORDINARY GAZETTE PUBLISHED  
BY AUTHORITY**

<b>VOL. XLI</b>	<b>Muzaffarabad Dated 31<sup>st</sup> December 1995.</b>	<b>NO.244</b>
-----------------	--	---------------

**AZAD GOVT OF THE STATE OF JAMMU AND  
KASHMIR LAW, JUSTICE AND PARLIAMENTARY  
AFFARIS DEPTT.**

**“MUZAFFARABAD”**

Dated the 26<sup>th</sup> December, 1995

**No. 966-73/LD/95.** The following Act of the Assembly received the assent of the President on the 23<sup>rd</sup> day of December, 1995 is hereby published for general information:-

(Act XXX of 1995)

**AN ACT** To enact the law relating to the legal Practitioners and Bar Council in Azad Jammu and Kashmir.

**WHEREAS** it is expedient to provide for law relating to the Legal Practitioners and Bar Council in Azad Jammu and Kashmir, in the manner hereinafter appearing;

It is hereby enacted as follows:-

**CHAPTER -1**

**(PRELIMINARY)**

**1. Short title, extent and commencement.** (1) This Act may be called the Azad Jammu and Kashmir Legal Practitioners and Bar Council Act, 1995.

(2) It shall come into force at once.

(3) It shall extend to whole of Azad Jammu and Kashmir.

**2. Definition.** In this Act, unless there is anything repugnant in the subject or context,-

(a) “Advocate “means an advocate entered in the roll under the provisions of this Act;

(b) “Bar Council “means the Azad Jammu and Kashmir Bar Council constituted under this Act;

(c) “High Court” means the High Court of Azad Jammu and Kashmir;

- (d) "Legal practitioner Fractioned" means an advocate practicing as such immediately before the commencement of this ACT;
- (e) "Prescribed" means prescribed by rules made under this Act;
- (f) "Member" in relation To the Bar Council, does not include the Chairman thereof;
- (g) "Revenue office" includes all Courts (others than civil Courts )trying suits under any law for the time being in force relating to land -holders and their tenants or agents;
- (h) "Roll "means the roll of advocates maintained by the Bar Council
- (i) "Shariat Court "means the Shariat Court of Azad Jammu and Kashmir;
- (j) "Subordinate Court" means a Court subordinate to the High Court;
- (k) "Tout "means a person:-
  - (i) who procures, in consideration of any proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of nay remuneration moving from the either of them, the employment of the legal practitioner in such business; or
  - (ii) who, for the purposes of such procurement, frequents the precincts of Courts or of revenue officers, landing stages, lodging places or other places or public resort;
  - (iii) "Tribunal" in relation to the Bar Council means a Tribunal constituted by it under this ACT;

## **CHAPTER- II**

### **(CONSTITUTION AND INCORPORATION OF BAR COUNCIL)**

**3. Constitution of Bar Council.** (1)There shall be constituted in accordance with the provisions of this Act a Bar Council for Azad Jammu and Kashmir, to be known as the Azad Jammu and Kashmir Bar Council.

(2) The Bar Council shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the names by which it is known sue and be sued.

**4. Term of Bar Council.** The term of the Bar Council shall be five years beginning on the first day of January following the general elections of the Bar Council; and at the end of each term the members of the Bar Council shall cease to hold office:

Provide that, notwithstanding the expiry of term, the Bar Council shall continue to function till a new Bar Council be elected and the list of the members thereof is published in the official Gazette.

**CHAPTER-III**

**(BAR CONCIL)**

**5. Composition of Bar Council. (1)** The Bar Council shall consist of.

- (a) The Advocate General of Azad Jammu and Kashmir, ex-officio and
- (b) Such number of members as may be elected by the Advocates on the roll from amongst themselves.

(2) The numbers of members to be elected to the council shall be determined a hereinafter provide namely:-

- (a) <sup>1</sup>One members from each district;
- (b) In addition to the member to be elected from each district under clause (a),--
  - (i) one member from the advocates exceeding one hundred up to two hundred; and
  - (ii) if the number of advocates exceeds two hundred, one member for every one hundred in excess of two hundred:

Provide that the fraction of twenty five and more shall be counted as fifty and less than twenty five shall be disregarded.

(3) For the purpose of the election or the members of Bar Council from a district under sub-section (2), the advocates entered on the roll up to 1st January of the year in which the elections are to be held shall constitute the electoral college.

(4) At an election of the members of the Bar Council an advocate shall have as many votes as the number of members to be elected.

(5) A member may resign his office by writing under his hand addressed to the chairman of the council.

(6) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan/Azad Jammu and Kashmir is suspended or removed from practice under the provisions of chapter (v).

<sup>2</sup>[(7) Number of seats of the member Bar Council under the said Act shall not be changed or increased for further three elections.]

---

1. Substituted by AJK Legal Practitioner and Bar Council Act, 2016.

2. Substituted by AJK Legal Practitioner and Bar Council Act, 2016.

**Explanation.** If any question arises whether an advocate is or is not, for the purposes of this section, practicing generally in a district, it shall be referred to the Advocate General whose decision thereon shall be final.

**6. Qualification for membership of Bar Council.** A person shall be qualified to be elected as a member a Bar Council if he--

- a) Is on the roll maintained by the Bar Council;
- b) <sup>1</sup>has, on the day of filling of the nomination paper, been an Advocate for not less than ten years as an advocate of High Court; and
- c) has cleared all the dues payable by him to the Bar Council.

**7. Disqualification for membership of Bar Council.** A person shall be disqualified to be elected as a member of Bar Council if he--

- (a) was dismissed or removed from the service or Government or of a public statutory corporation; or
- (b) has been convicted for an offence involving moral turpitude; or
- (c) has been found guilty of professional misconduct; or
- (d) has been declared a tout; or
- e) is an undischarged insolvent.

**8. Disqualification of membership of Bar Council.** A member of a Bar Council shall cease to be such member if he,--

- (a) is appointed to an office of profit in the service of Pakistan/ Azad Jammu and Kashmir; or
- (b) is suspended or removed from practice under the provisions of chapter VI; or
- (c) Incurs any of the disqualifications specified in section 7

**9. Chairman and Vice Chairman of Bar Council.** (1) There shall be a chairman and a vice-chairman of the Bar Council.

(2) The Advocate General shall be the chairman of the Bar Council.

(3) The Vice-Chairman of the Bar Council shall be elected in the Prescribed manner by the members of the council from amongst themselves.

(4) subject to the provisions of sub-section (8) The election of the Vice-Chairman shall be held as soon as may be after the commencement of every year and in any case not later than the thirty- first day of January.

(5) Subject to the provisions of sub-sections (6) and (7) the vice. Chairman shall hold office until his successor enters upon his office.

(6) A Vice-Chairman may resign his office by writing under his hand addressed to the Chairman.

---

1. Substituted by AJK Legal Practitioner and Bar Council Act, 2016.

(7) A Vice-Chairman shall cease to hold his office if he is appointed to an office of profit in the service of Pakistan /Azad Jammu and Kashmir or is suspended or removed from practice under the provision of chapter VI.

(8) Where the office of a Vice-Chairman becomes vacant, and election to the vacant office shall be held within thirty days of the office becoming vacant.

(9) The chairman and Vice-Chairman shall have such powers and functions as may be prescribed.

**10. Time of holdings elections of the Bar Council.** Elections to the Bar Council shall be held so as to conclude on or before the thirtieth day of November in the year in which the term of the Bar Council expires.

Provided that elections to the first Bar Council to be constituted under this Act shall be held on such days as the Government may, by notification in the official Gazette, specify.

**11. Election to Bar Council not to be questioned on certain grounds.** No election of a member to Bar Council shall be called in question on the ground merely the due notice thereof has not been given to any person entitled to vote there at if notice of the date has, not less than thirty days before that date, been published in the official Gazette.

**12. Functions of Bar Council.** (1) Subject to the provisions of this Act and the rules made there under, the functions of the Bar Council shall be;

- (a) to admit persons as advocates on its roll; to hold examinations for purposes of admission; to prepare and maintain a roll of such advocate; and to remove advocates from the roll;
- (b) to admit persons as advocates entitled to practice before the High Court and to prepare and maintain the roll of such advocates;
- (c) to entertain and determine cases of misconduct against advocates on its roll and to order punishment in such cases;
- (d) to safeguard the rights, privileges and interests of advocates on its roll including initiation of measure for fair and inexpensive dispensation of justice by subordinate Courts and tribunals;
- (e) to promote and suggest law reforms;
- (f) to manage and administer the property and funds of the Bar Council and to invest any of its funds;
- (g) to conduct the election of its members;
- (h) to prescribe conditions for the recognition of, and to recognize and derecognize Bar Association;

- (i) to perform all other function conferred on it by or under this Act.
- (i) to do all other things necessary for discharging the aforesaid functions.
- (2) The Bar Council, may, in accordance with the rules framed by it, and within the limits of the funds at its disposal for that purpose, make free legal aid available to indigent litigants.

**13. Committees of Bar Council.** The Bar Council shall constitute the following standing committees, namely:

- a) an executive committee consisting of a chairman and not more than five other members, to be elected by the council from amongst its members;
- b) a disciplinary committee consisting of not more than five members to be elected by the Council from amongst its members; and
- (2) Each of the aforesaid committees shall have such powers and functions as may be prescribed.
- (3) The Bar Council may constitute from amongst its members such other committees as it may deem necessary for the performance of its functions under this Act, and may authorize any such committee to co-opt as its members any other, persons, not exceeding such number as the council may determine.
- (4) The chairman of every committee shall be entitled to vote and, in case of equality of votes among the members of the committee, shall have a second vote.

#### **CHAPTER-IV**

##### **(GENERAL PROVISIONS RELATING TO BAR COUNCIL)**

**14. Filing of Casual Vacancies:-** If the seat of a member of Bar council become vacant during the terms of office of the council, for filling the vacancy, provision of section 5 shall apply shall mutatis, mutandis, and the vacancy shall be filled by a person who is co-opted by the Bar Council from amongst person belonging to the same District to which the Vacancy relates, who are qualified to be members of the Bar council.

**15. Funds of Bar Council:-** All sums received by the Bar Council as enrollments fees or as grants, donations or subscriptions shall from part of the funds of that council and that fund, subject to the provisions of sub-sections (3), shall be managed, administered and utilized in such manner as may be prescribed.

**15.** Every person applying for enrollment as an advocate or subscriptions shall from part of the fund of that council and that fund, subject to the provisions of sub-section (3), shall be managed, administered and utilized in such manner as may be prescribed.

(2) Every person applying for enrollment as an advocate or an advocate of the High Court shall pay the prescribed fee to the Bar Council, in such manner as may be prescribed by the Bar Council.

(3) All sums received by the Bar Council under sub-section (1) or as enrollment fees, grants donations or subscriptions shall from part of the fund of the council and that fund shall be managed, administered and utilized in such manner as may be prescribed.

**16. Accounts and Audit.** The Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

(2) The accounts of Bar Council shall be audited by an auditor who is a chartered accountant, ordinance, 1961 (X of 1961), of Pakistan at such time and in such manner as may be prescribed.

(3) As soon as the accounts of Bar Council have been audited, the Bar Council shall send a copy of such accounts together with a copy of the report of the auditor thereon, to the Government.

**17. Vacancies of bar council etc not to invalidate action taken.** No act done by Bar Council or any Tribunal or committee therefore shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of such, council, Tribunal or committee.

**18. Indemnity.** No suit or other legal proceeding shall lie against Bar Council or any committee, Tribunal, member, officer or servant or the Bar Council for any act in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made there under.

#### **CHAPTER-V**

#### **ADVOCATES, THEIR ENROLMENTS RIGHT TO PRACTICE, SENIORITY PRE-AUDIENCE, ETC.**

**19. Classes of Advocates.** There shall be the following four classes of advocates, namely:-

- (a) senior advocates of the Supreme Court;
- (b) advocates of the Supreme Court;
- (c) advocates of the High Court/Shariat Court; and
- (d) Other advocates.

**20. Right of advocates to practices.** (1) Save as otherwise provided in this Act, no person shall be entitled to practice the profession law unless he is an advocate.

(2) Subject to the provisions of this Act, the rules made there under and any other law for the time being in force.

- (a) an advocate of the Supreme Court, High Court or Shariat Court shall be entitled as of right to practice throughout Azad

Jammu & Kashmir, and to appear act and plead before any Court or tribunal in Azad Jammu and Kashmir; and

- (b) any other advocate shall be entitled as of right to practice throughout the Azad Jammu and Kashmir.

(3) No advocate shall appear or act for any person in any Court or tribunal unless he has been appointed for the purpose by such person by a document in writing signed by such person or his recognized agent or some other person duly authorized by him to make such appointment, and such document has been filed in such Court or tribunal:

Provide that nothing in this sub-section shall apply to:-

- (a) a public prosecutor or any advocate appointed by the state; or  
 (b) an advocate when appearing on behalf of another advocate, if the advocate so appearing has filed a memo of appearance.

Provide further that an advocate may be allowed to appear for an accused in custody on his undertaking to file the document required under this sub-section.

**21. Admission and enrollment of advocates of the Supreme Court.** The Bar Council shall prepare and maintain a roll of advocates of the Supreme Court, in which shall be entered the names of:

- (a) all persons who were; as advocates, senior advocates or advocates-on-record entitled to practice in the Supreme Court immediately before the commencement of this Act; and  
 (b) all person who are admitted as advocates of the Supreme Court under the provisions of this Act:-

Provide that no person shall call himself, or hold himself as an advocate of the Supreme Court until he has signed the roll of advocates kept under the Rules of the Supreme Court, and the right of a person to appear, act and plead before that Court shall be subject to the said Rules.

**22. Admission and enrollment of advocates of the High Court/Sharit Court.** The Bar Council shall prepare and maintain a roll of advocates of High/Sharit Court in which shall be entered the names of:-

- (a) all persons who were, as advocates, entitled to practice in the High Court/Sharit Court immediately before the commencement of this Act; and  
 b) all person who are admitted as advocates of the High Court/Sharit Court under the provisions of this Act.

**23. Admission and enrollment of other advocates.** The Bar Council shall, beside the roll of advocates to be prepared and maintained by it under section 22 prepare and maintain a roll of advocates, in which shall be entered the names of:

- (a) all persons who were, as advocates, entitled to practice in any Court subordinate to the High Court or Shariat Court immediately before the commencement of this Act; and
- (b) all persons who are admitted as advocates under the provisions of this Act.

**24. Persons qualified for admission as advocates.** (1) Subject to the provisions of this Act, and the rules made there under, a person shall be qualified to be admitted as an advocate if he fulfills the following conditions, namely:-

- (a) he is a citizen of Azad Jammu and Kashmir or a person deriving his nationality from the state of Jammu and Kashmir.

Provide that, subject to the other provisions of this Act, a national of any other country may be admitted as an advocate, if the citizens of Azad Jammu and Kashmir duly qualified are permitted to practice law in that other country;

- (b) he has completed the age of twenty-one years;
- (c) he is a Barrister or is was enrolled as an advocate of a High Court in any area which before the fourteenth day of August, 1947, was comprised with in India as defined by the Government of India Act, 1935 or has obtained:-

- (i) before the 7th day of February, 1966, a degree in law from any university in Pakistan; or
- (ii) before the fourteenth day of August, 1947, a degree in law from any university in any area which was comprised before that date with in India as defined by the Government of India Act, 1935; or
- (iii) a bachelor's degree in any subject other than law from any university in Pakistan or from a university outside Pakistan recognized by the Bar Council, and a degree in, law from alike university;

- (d) he has undergone such course of training and passed such examination after the training as may be prescribed by the Bar Council:

Provide that this clause shall not apply to any class of person who, by reason of their legal training or experience, are declared by the Bar Council to be exempted from the provisions of this clause;

- (e) he has paid such enrollment fee and fulfils such other conditions as may be prescribed by the Bar Council.

(2) A person shall be disqualified from being admitted as an advocate if:-

- (i) he was dismissed or removed from service of Government or of a public statutory corporation or a charge involving moral turpitude; unless a period of five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf, has elapsed since his dismissed or removal; or
- (ii) he has been convicted for an offence involving moral turpitude, unless a period of five years, or such less period as the Government may, by notification in the official Gazette, specify in this behalf, has elapsed since the expiration of his sentence; or
- (iii) he has been declared a tout and such declaration have not been withdrawn.

(3) Where any person has been admitted by the Bar Council as an advocate of the Supreme Court or as an advocate of High Court/Shariat Court and the Supreme Court or, as the case may be, the High Court may, if it is of the opinion that it will not be in the interest of the legal profession for such person to continue on the roll of advocates refer the matter to the Bar Council for its reconsideration.

**25. Persons qualified for admission as advocates of High Court/Shariat Court.-** Subject to the provisions of this Act and the rules made there under, a person shall be qualified to be admitted as an advocate of a High Court/Shariat Court if he fulfills the following conditions, namely:-

- (a) he has practiced as an advocate, vakil or pleader before subordinate Courts in Azad Jammu and Kashmir for a period of not less than 2 years; or
- (b) he has practiced outside Azad Jammu and Kashmir as an advocate before High Court specified in this behalf by the Bar Council; or
- (c) he has for reason of his legal training or experience been exempted by the Bar Council with the previous approval of the High Court from the requirement of clause (a) and clause (b); and
- (d) he has paid such enrollment fee and fulfils such other conditions as may be prescribed by the Bar Council.

**26. Persons qualified for admission as advocates of the Supreme Court:-** subject to the provisions of this Act and the rules made there under a person shall be qualified to be admitted as an advocate of the Supreme Court if he fulfils such conditions as may be laid down in this behalf from time to time by the rules of the Supreme Court and has paid to the Bar Council such enrollment fee as may be prescribed by that council.

**27. Eligibility of women for admission:-** No women shall be disqualified for admission as an advocate for reason only of her sex.

**28. Authority to whom application for enrollment may be made:-**

An application for admission as an advocate, other than an advocate of the Supreme Court; shall be made in the prescribed form to the Bar Council with in whose jurisdiction the applicant proposes to practice generally; and an application for admission as an advocate of the Supreme Court shall be made in the prescribed form to the Bar Council.

**29. Disposal of applications for admission as an advocate. (1)**

All application for admission as an advocate received by Bar Council shall be referred to its enrollment committee.

(2) the enrollment committee may either grant the application or return it to be Bar Council, recording its reasons for not granting the application.

(3) Where any application is returned to Bar Council under subsection (2), the Bar Council may, after considering the reason recorded by the enrollment committee either grant or reject the application.

**30. Appeal against order of rejection.** Where any application for admission as an advocate is rejected by Bar Council, the application may, with in such period and in such period and in such manner as may be prescribed, appeal to the enrollment committee of the Bar Council and the decision of that committee on such appeal shall be final.

**31. Payment of fees. (1)** The Bar Council may prescribe the following fees, namely:-

- (a) fee for enrollment as an advocate or an advocate of the High Court/Shariat Court which shall be fixed after consultation with the High Court, to be paid to the Bar Council;
- (b) fee for enrollment as an advocate or an advocate of the Supreme Court, which shall be fixed after consultation with the Supreme Court to be paid to the Bar Council; and
- (c) Annual fee payable by advocates to the Bar Council on whose roll their names are entered.

Provide that no person whose name is entered on the roll under clause (a) of section 23, clause (a) of section 22 or clause (a) of section 21 as an advocate, an advocate of the High Court/Shariat Court or an advocate of the Supreme Court shall be required to pay the fee for enrollment as such advocate.

(2) The fee referred to in clause (a) or clause (b) or sub-section.(1) may be paid in such installments, if any as may be prescribed.

(3) the annual fee referred to in clause (c) of sub-section (1) shall be paid by such date as may be prescribed.

(4) If an advocate fails to pay an installment of fee or the annual fee payable by him by the prescribed date shall be liable to pay such further fee for late payment as may be prescribed:

Provide that, if he fails to pay such installment or fee within a period of six months following the date on which it becomes due, he shall by notice be asked to show cause why his name be not struck off the roll of advocates and if the explanation is unsatisfactory, his name shall be struck off the roll of advocates and shall not be restored except upon payment of the installment of fee due and such penalty not exceeding the amounts of such installment or fee as may be prescribed, unless the enrollment committee, having regard to the circumstances of the case, exempts any person from the payment of such penalty.

**32. Order in which names shall be entered in the roll. (1)**

Entries in the roll shall be made in the order of seniority and such seniority shall be determined as follows, namely:-

- a) all such persons as are referred to in clause (a) of section 21, clause (a) of section 22 or clause (a) of section 23, shall be entered first in the order in which they were respectively entitled to seniority immediately before the commencement of this Act; and
- b) the seniority of any other person admitted, after that date to be an advocate or an advocate of the High Court/Shariat Court or an advocate of the Supreme Court shall be determined by the date of his admission:

Provided that, for the purpose of clause (b), the seniority of a person who, before his admission as an advocate, was entitled as right to practice in any other High Court shall be determined by the date on which he became so entitled.

(2) Where the date of seniority of two or more persons is the same, the one senior in age shall rank as senior to the other.

**33. Certificate of enrollment.** The Bar Council shall issue a certificate of enrollment in the prescribed form to every person enrolled under section 32.

**34. Copy of roll to be kept with Supreme Court and High Court/Shariat Court.** (1) The Bar Council shall send to the Supreme Court an authenticated copy of the roll, as prepared under section 21 and shall thereafter communicate to the Supreme Court all alterations in, and additions to, the roll as soon as the same has been made.

(2) The Bar Council shall send to the High Court and Shariat court a copy of the rolls as prepared under Section 22 and Section 23 and shall thereafter communicate to the High Court and Shariat court all alterations in, and additions to, any such roll as soon as the same has been made.

**35. Copies of rolls to be sent of Bar Council.** Each Bar Association shall send copies of rolls as soon as the same has been made.

**36. Roll of advocates.** (1) The Bar Council shall prepare and maintain a roll of advocates of the High Court/Shariat Court and the roll of the other advocates which shall comprise the entries made in the roll of the

advocates of the advocates of the High Court/Shariat Court or, as the case may be, of the other advocates.

(2) Entries in the roll shall be in the order of seniority which shall be determined in accordance with the principles laid down in section 32.

**37. Right of pre-audience.** (1) The advocate General for Azad Jammu and Kashmir shall have the right, of pre-audience over all other advocates.

(2) Subject to sub-section (1), the advocates general shall have the right of pre-audience over all other advocates.

(3) The right of pre-audience among other advocates shall be determined by their seniority interse.

## **CHAPTER-VI**

### **(CONDUCT OF ADVOCATES)**

**38. Punishment of advocates for misconduct.** (1) An advocate may in the manner hereafter provided, be reprimanded or remove from practice if he is found guilty of professional or other misconduct.

(2) A complaint that an advocate has been guilty of misconduct may be made by any Court of person to the Bar Council.

(3) Every complaint against an advocates made under sub-section (2) except where the complaint has been made by a Court, shall be accompanied by a fee of ten rupees.

(4) Upon receipt of a complaint under sub-section (2) against any advocates, the disciplinary committee of the Bar Council may, unless it summarily rejects his 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 case to the Tribunal for decision;

Provided that the disciplinary committee shall not summarily reject a complaint made by the Supreme Court, High Court/Shariat Court.

(5) Any person whose complaint is rejected by the disciplinary committee under sub-section (4) may, with in thirty days of the day on which the order of the committee is communicated to him, prefer an appeal to the Tribunal which decision in such appeal shall be final.

**39. Tribunal of Bar Council.** The Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice, who shall be the Chairman.

**40. Procedure in inquires.** (1) In inquires relating to conduct of advocates, the Tribunal shall, except as herein after provide, follow such procedure as may be prescribed.

(2) The Tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complaint, to the advocate concerned and to the Advocate General and shall afford to the

complainant, the advocate concerned and the Advocate General an opportunity of leading evidence, if any, and of being heard, before orders are passed in the case.

(3) The chairman of the tribunal may empower one of the members of Tribunal to consider and decide preliminary issues and to record evidence.

(4) The Tribunal may, where it considers it necessary so to do require the person making a complaint, except where the complaint has been made by Court, to deposit with the Tribunal, as security for costs, such sum as it may specify.

(5) On completion of the inquiry, the Tribunal may either dismiss the complaint or, where reference to the inquiry committee on whose report the matter has come before Tribunal was made at the motion of Bar Council, direct that the proceeding be filed; or it may make an order imposing any of the penalties referred to in sub-section (1) of Section 38.

(6) Where the tribunal makes an order for the suspension of an advocate from practice, it shall specify the period of suspension, and for that period the advocate shall be debarred from practicing in any Court or before any authority or person in Azad Jammu Kashmir.

(7) The Tribunal may, of its own motion or on application made to it in this behalf review any order passed under sub-section (5) and maintain vary or rescind the same as it thinks fit.

(8) when any advocate is reprimanded or suspended from practice under this Act, a record of the Punishment shall be entered against his name in the roll or, as the case may be, the roll of advocates of the Supreme Court maintained by the Bar council, and when an advocate is removed from practice his name shall forth with be struck off the roll: and the certificate of any advocate so suspended or removed shall be recalled.

**41. Order as to cost.** (1) A disciplinary committee and a Tribunal may make order as to costs of proceeding before it as it may deem fit; and where the committee or, the case may be, the tribunal is of the opinion that a complaint made against an advocate is false and vexatious, it may, without prejudice to any other remedy available to the Advocate imposed upon the complainant compensatory costs not exceeding as sum of five hundred rupees;

Provide that no order under this sub-section shall be made against a Court or the presiding officer of a Court.

(2) The Tribunal may, on an application made to it in this behalf within the prescribed period, revise any order passed by ad disciplinary committee under sub-section (1) or, of its own motion or an application so made, review any order passed by the Tribunal under that sub-section and may, in either case, maintain vary or rescind the same as it thinks fit.

(3) Subject to sub-section (2); every order of the disciplinary committee of the Tribunal under sub-section (1) shall be executable as if it were an order of the Supreme Court.

**42. Powers of the Tribunal and inquiry committee in inquiries.**

(1) For the purpose of any such inquiry as aforesaid, a disciplinary committee and a Tribunal shall have the same powers as are vested in Court under the code of civil procedure, 1908(Act V of 1908),In respect of the following matters, namely.

- (a) Enforcing the attendance of any person:
- (b) Compelling the production of document; and
- (c) Issuing commissions for the examination of witnesses:

Provided that the Disciplinary Committee or the Tribunal shall not have power to require the attendance of the presiding officer of any civil or criminal Court save with the previous sanction of the High Court or, in case of the presiding office of a Revenue Court of Azad Jammu and Kashmir Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Azad Jammu and Kashmir Penal code ( Act XLV of 1860 );and a disciplinary committee and a Tribunal shall be deemed to be a civil Court for the purpose of sections 480 and 482 of the code of criminal procedure, 1898 (Act v of 1898).

(3) For the purpose of enforcing the attendance of any person or of compelling the production of documents or issuing commissions:

- (a) The local limits of the jurisdiction of a disciplinary committee and a tribunal shall be those of the jurisdiction of the Bar Council by which the committee has been appointed or, as the case may be, the tribunal has been constituted; and
- (b) An inquiry committee and a Tribunal may send to any Civil Court having jurisdiction in the place where the committee or, as the case may be, the Tribunal is sitting, any summons or other process for the attendance of a witness or the production of a document required by the committee or Tribunal, or document required by the committee or Tribunal, or any commission, which it desires to issue, and the civil Court shall serve such purpose or issue such commission as the case may be, and may enforce any such process as if it were a process for attendance or production before, itself.
- (c) Proceeding before a disciplinary committee or a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of the Qanun-e-Shahadat, 1984, and the provisions of that section apply accordingly.

**43. Disciplinary powers of Bar Council.** (1) Notwithstanding anything contained in this chapter, the Disciplinary committee of Bar Council may, of its own motion, with draw any inquiry before itself against any advocate and disposes of the same.

(2) In disposing of any case under this section, the Disciplinary committee of Bar Council shall observe, so far as may be the procedure laid down in section 40.

(3) in disposing of any case under this section, the disciplinary committee of Bar Council, may make any order which the Tribunal can make under section 40 and the Tribunal shall give effect to any such order .

**44. Appeal to the Azad Jammu And Kashmir Bar Council.** (1) any person aggrieved by an order of a Tribunal under section 40 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Bar Council .

(2) Every such inquiry shall be deemed to be a Judicial Proceeding within the meaning of sections 193 and 228 of the Azad Jammu and Kashmir Penal Code (Act XLV of 1860) and a disciplinary committee and a Tribunal shall be deemed to be a Civil Court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898)

**45. Appeal to the Supreme Court.** Any person aggrieved by an order made by the disciplinary committee of the Bar Council under sub-section (3) of section 37 may, with in sixty days from the date on which the order is communicated to him, prefer an appeal to the Supreme Court which may such order there on as it may deem fit.

**46. application of section 5 and 12 of the Limitation Act, 1908.** The provisions of sections 5 and 12 of the Limitation Act, 1908 (Act IX of (1908), shall, so far as may be apply to appeals made under section 44 or section 45.

**47. Stay of order.** An appeal made under section 44 or section 45 shall not operate as a stay of the order appealed against but the Disciplinary committee of the Bar Council or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

**48. Powers of the Disciplinary Committee.** The Disciplinary committee of the Bar Council shall have the same powers as are vested is a tribunal by section 42 and that section shall apply to the Disciplinary committee, the reference to the "Tribunal" in that section being construed as a reference to the " Disciplinary" committee of the Bar Council .

**49. Cost of proceeding before a Disciplinary committee.** The Disciplinary committee of the Bar Council may make such order as to the cost of proceedings before It as it may deem fit and such order shall be executable as if it were an order of the Supreme Court.

**50. Review of order by Disciplinary Committee.** The Disciplinary Committee of the Bar Council may by its own motion or otherwise review any order passed by under this chapter.

**51. Powers of Supreme Court, High Court and Shariat Court to suspend advocates from practice.** (1) the Supreme Court, High

Court/Shariat Court may, while making a complaint under the sub-section (2) of section 38 against an advocate, make an order for the suspension of the advocates. From practice if, after hearing such advocate, the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court on grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) on a complaint made to it against an advocate by a Court, sub-ordinate to it, the High Court may:-

- (a) make an order under sub-section 1) in respect of such advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Bar Council, is expedient or necessary in the Public interest and forward the complaint to the Bar Council for action in accordance with section 38;or
- (b) with out making order under sub-section (1) forward the complaint to the Bar Council for action in accordance with section 38;or
- (c) direct that no further action need to be taken in respect of the complaint:

**52. Time for disposal of disciplinary matters.** The disciplinary committee and a Tribunal shall dispose of a complaint against an Advocate within 3 months of the day of which the complaint is received by it; and if the complaint is not disposed of within that period, the order in sub section 1 or sub section (2) of section 51 for the suspension of the advocate from practice, if any, shall stand vacated on the expiration of that period, unless on review the Court making the order, for reasons to be recorded vacates it earlier.

## **CHAPTER-VII**

### **(RULES)**

**53. Power of Bar Council to make rules.** The Bar Council may by notification in the official Gazette, makes rules to provide for--

- (a) The manner in which the election of members of the Bar Council shall be held and the manner in which results of election shall be published;
- (b) The manner which the election of the Vice-Chairman of the Bar Council shall be held;
- (c) The manner which and the authority by which doubts and disputes as to the validity of an election to the Bar Council or to the office of the Vice-Chairman of the Bar Council shall be finally decided.

- (d) the power and duties of the chairman and vice Chairman of the Bar Council.
- (e) the summoning and holding of meeting of such committee, the conduct of business thereon and the number of members necessary to constitute a quorum.
- (f) the constituting and functions of any committee of the Bar Council and the term of office of the members of any such committee;
- (g) the summoning and holding of meeting of such committee, the conduct of business thereon and the number of members necessary to constitute a quorum.
- (h) the qualification and term and condition of service of staff to be employed by the Bar Council.
- (i) matter pertaining to management, administration utilization and investment of the fund of the Bar Council;
- (j) the constitution of separate funds for special purpose by the Bar Council ;
- (k) the appointment of auditors and the audit of the accounts of the Bar Council;
- (l) the appointment of auditors and the audit of the accounts of the Bar Council;
- (m) The form and manner in which applications for admission as an advocate of the Supreme Court are to be made and the manner in which such applications are to be disposed of;
- (n) The fee payable for enrollment or in respect of any other matter under this Act, and the installments if any, in which such fee may be paid;
- (o) the forms in which a certificate of enrollment shall be given to a person enrolled as an advocate or an advocate of the High Court/Shariat Court or an advocate of the Supreme Court;
- (p) the standard of profession conduct and etiquette to be observed by advocates;
- (q) the standard of legal education to be observed by universities in Pakistan or AJ&K and the inspection of universities for that purpose;
- (r) The circumstance in which and the conditions subject to which nationals of any foreign country may be admitted as advocates and foreign qualification may be recognized for purpose of their admission;
- (s) The procedure to be followed by Tribunals constituted by the Bar Council in inquiries relating to the conduct of an advocate;

- (t) The course of practical training in law and the examination to be passed after such training for admission as an advocate;
- (u) The form and manner in which applications for admission as an advocate or an advocate of the High Court/Shariat Court are to be made and the manner in which such applications are to be disposed of;
- (v) The conditions subject to which a person may be admitted as a advocate or an advocate of the High Court/Shariat Court; the procedure to be followed by a Tribunal constituted by
- (w) The Bar Council inquires relating to the conduct of an advocate;
- (x) The forming and regulation of firms of lawyers either throughout the district or any specified part thereof;
- (y) The recognition, de-recognition and functioning of Bar Council associations.
- (z) The forming, recognition and de-recognition and functioning of a Supreme Court bar association or any bar Association at the National level;

Provide that, for holding the first elections to the Bar Council to be constituted under his Act, rules with reference to clause (a), (b) and (c) shall be made by the Government.

**CHAPTER-VIII**

**(MISCELLANEOUS)**

**54. Grants to Bar Council.** The Government may make such grants and in aid of the funds of the Bar Council as it deems fit, having regard to the total number of advocates on the roll of the council.

**55. Penalty for illegal practice.** (1) Any person who is not an advocate and practices the profession of any law as any person who is not entitled under this Act to practice in the High Court/Shariat Court or the Supreme Court practices before that Court, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Any advocates who practices the profession of law, or acts or appears as an agent for any other person, while he is suspended from practice shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

**56. Powers to frame and publish lists of touts.** (1) the High Court, Shariat Court, District and session judge, District criminal Court, District Magistrate, Tehsil criminal Courts, Family Courts and every Revenue officer, not being below the rank of a collector of a district (each as regards their or his own Court and the courts, if any, subordinate there to), may frame and published lists of persons proved, to their or his satisfaction, or to the

satisfaction of any subordinate Court as provided in sub-section (3) by evidence of general repute or otherwise to habitually act as touts, and may from time to time, alter and amended such lists.

**Explanations.** (1) The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting specially convened for the purpose of an association of persons entitled to practice the profession of law in any Court or revenue office shall be prima facie evidence of the general repute of such person and of the fact that he is, or is not a tout.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Any authority, empowered under sub section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of such persons alleged or suspected to be touts, and order that Court to hold an inquiry and regard to such persons; and the sub ordinate court shall their upon hold an inquiry into the conduct of such person and, after giving each such person an opportunity of showing cause as provided in sub section (2) shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the sub ordinate court to be a tout; and the authority may include the name of any such person in the list of touts framed and published by that authority.

Provide that such authority shall hear any such person who, before his name is so include, appears before it and desire to be heard.

(4) A copy of every such list shall be kept hung up in every Court of which the same relates.

(5) The Court of judge any, by the general or special order, exclude for the precincts of the Court any person whose name is included in any such list.

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

**Explanation.** Any person ordered to be excluded from the precincts of a Court under the provisions of sub section (5), if found on such precincts while such order is in force, shall be deemed, unless the contrary be proved to be at such precincts for the purposes of acting as a tout.

**57. Bar Council or Bar Association not to include in political activities.** The Bar Council and a bar association shall perform such functions as are conferred on it by this Act or the rules made there under and shall not indulge in any political activity, directly or indirectly.

**58. Removal from Bar Association.** (1) An advocate who has once been admitted as an member of the bar association shall not be removed from such membership except on the ground that he has either incurred any of the disqualifications for the membership of the Bar Council

under this Act or has been in default in paying the fees of the bar Association for a period of not less than twelve's months.

Provide that the membership of advocates who is removed on the ground of his having been in such default shall stand restored if he pays up the fees due within sixty days of such remove.

(2) Notwithstanding anything's contained in any law or rule, the right of an advocate to practice as such shall not be dependent upon his being a member of a bar association or be affected in any manner by reason only or his not being, or having ceased to be, a member, or if his having been removed from the member ship, of a bar association.

**59. Powers of the High Court ratline to remuneration of advocate.** The High Court shall from time to time fix and regulate the fee payable by any party in respect of the fees of his adverse, advocates in all proceedings in such High Court and in the Courts subordinate to such High Court.

**60. Group insurance.** (1) The Bar Council may from time to time arrange for the insurance of the life of such advocates of the Supreme Court and High Court who are borne on its role as have not attended the age of sixty five years, and a bar association may likewise arrange for the insurance of the life of such advocates borne on its rolls as have not attained the age of sixty two years and for such period as it deems fit.

(2) Where any such arrangement has been referred to in sub section (1) has been made by the Bar Council.

- (a) It shall establish a separate group insurance fund which shall vest in and be administered by the Bar Council;
- (b) Every advocate whose life has been insured, under such arrangement shall pay to the Bar Council, annually, monthly, or at such other intervals as may be prescribed, such sum of money as the premium for the insurance of his life, as may be determined by the Bar Council;
- (c) All sums received as premium under clause (B) and any interest or profit accruing thereon shall be credited into the group insurance fund of the bar council;
- (d) All expenses incurred by the Bar Council on the arrangement with an insurance company or other insurer and on the Administration of the group insurance fund shall be defrayed from fund; and
- (e) Any sums remaining in such fund after defraying the expenses referred to in clause (d) may be utilized for such purposes connected with the welfare of advocates as may be prescribed.

(3) the provision of sub section (4) of section 31 shall apply to the insurance premium as required to be paid under clause (d) of sub section (2),

as if such premium were an annual fee or installment of a fee payable under that section.

**61. Benevolent fund.** (1) A Bar Council may establish a fund to be called the advocates benevolent fund.

- (2) Where a Bar Council establishes a benevolent fund.
  - (a) Every advocate shall pay to the benevolent funds annually, monthly or at such other intervals as may be prescribed be determined by the Bar Council;
  - (b) The moneys credited into the fund shall be kept in such bank as may be prescribed
  - (c) The fund shall be utilized in such manner as may be prescribed by the Bar Council, for,--
    - i. The relief of advocates and their families;
    - ii. Giving financial relief to the families of deceased advocates;
    - iii. Making grants to advocates on special occasions;
    - iv. Defraying expenditure in respect of the management of the fund.

(3) the provision of sub section (4) of section 31 shall apply to contributions required to be made to the benevolent fund under clause (a) of sub section (2) as if such contributions were an annual fee or installment of fee payable under that section.

**62. Repeal.** The Legal Practitioners Act as in force in Azad Jammu and Kashmir vide Resolution No. 571 of 1948 is hereby repealed.

**Sd/- (Syed Atta Mohy-Ud-Din Quardri)**  
**Draftsman Law**

-----

REGISTERED L No. 1176

**THE GAZETTA OF AZAD JAMMU AND KASHMIR EXTRA  
ORDINARY GAZETTE PUBLISHED BY AUTHORITY.**

VOL. XLIV	Muzaffarabad Dated 26th March, 1998	NO.41
-----------	-------------------------------------	-------

**AZAD JAMMU AND KASHMIR LEGAL  
PRACTITIONERS AND BAR COUNCIL  
RULES, 1998**

*(GAZETTE, OF AZAD JAMMU AND KASHMIR, EXTRA ORDINARY, 26<sup>TH</sup>  
MARCH, 1998)*

**No. Rule/F-1/98 Dated 7th February, 1998.** In exercise of powers conferred by - section 53 of the Azad Jammu and Kashmir Legal Practitioners and Bar Council Act (XXX of 1995) and all other enabling provisions in this behalf, the Azad Jammu and Kashmir Bar Council hereby makes and notifies following rules:-

**Chapter I**

**Preliminary**

1. (1) These Rules may be called the Azad Jammu and Kashmir Legal Practitioners and Bar Council Rules, 1998.
- (2) These rules shall come into force at once.
2. (1) In these rules unless there is anything repugnant in the subject or context,
  - (a) Act means the Azad Jammu and Kashmir Legal Practitioners and Bar Council Act (XXX of 1995)
  - (b) Chairman means the chairman of the Bar Council;
  - (c) Election Tribunal means a judge of High Court nominated by the chief justice of the High Court;
  - (d) Member means a member of the Bar Council;
  - (e) Secretary means a person appointed as Secretary Azad Jammu and Kashmir Bar Council and includes any other Person to whom all or any of the functions and the secretary are, for the time being, entrusted by the Bar Council or the chairman;
  - (f) Section means a section of the Act;
  - (g) Voter means an advocate whose name for the time being appears in the roll from the districts maintained by the Bar Council;

- (h) Returning officer means the advocate General of Azad Jammu and Kashmir or any person nominated by him;
- (j) Poling officer, means a judicial officer appointed by the Returning officer to conduct election in a bar Association;
- (k) Vice chairman means a Vice-Chairman of the Bar Council elected under the Act and these Rules.
- (2) Words and expressions defined in the Act and used in these rules shall, if the context otherwise requires, have the meanings assigned to them in the Act.

## **Chapter II**

### **Election To Bar Council**

**3.** (1) The Returning officer, after ascertaining the number of the advocates practicing generally in a district and entered on the roll from that district on the 1st of October of the year to which the elections of the bar council or due or any other date which is prescribed by law and in absence of law, prescribed by Bar Council, shall publish in the official Gazette;-

- (a) a list of advocates as practicing and entered on the roll;
- (b) the date on or before which claims and objections relating to the list may be filed;
- (c) the date on which claims and objections relating to the list shall be heard and disposed of;
- (d) the date on which the final list of advocates shall be published;
- (e) the number of members to be elected from each district under the Act.

(2) The Returning Officer shall dispose of the claims and objections filed under clause (b) of sub-rule (1)".

**4.** (1) The Returning Officer shall publish a programme of the election of the members of the Bar Council in the official Gazette specifying,

- (a) The date of receipt of proposals for elections;
- (b) The date not being a date later than seven days of the date on which proposals for elections are to be delivered at the office of the Returning officer for the scrutiny of such proposals;
- (c) The date on which list of the contesting candidates shall be published
- (d) The date by which a candidates may with draw his proposal;
- (e) The date on which the final list of the candidates shall be published.
- (f) The date on which the voting shall take place.

- (g) The date on which the result of elections shall be declared; and
- (h) The date on which objections to the validity of election of a member shall be filed:

Provide that there shall be an interval of at least fourteen days between the date of scrutiny and the date on which voting shall take place and the date on which the result of elections is declared and the date for filing objections to the elections.

(2) The place of the office of the Returning officer shall also be specified in the notification and the location of the office shall not be changed during the course of election except the compelling reasons and copies of such change shall be published in at least one leading English and one leading vernacular daily not later than four days before the change takes place.

(3) Copies of the programmed shall be sent to the chief justice of the High Court for information and the presidents of all the Bar Associations for being pasted at the Notice Boards of their officer.

**5.** At any time before 2 pm on a date specified by the Returning officer, an advocate practicing generally in a district and entered on the roll may, by a letter addressed to the Returning officer, propose another such advocate for election as a member of the Bar Council by delivering at the office of the Returning officer nomination papers signed by him and accompanied by a statement by the advocates whose name is proposed that he is willing to serve as member if elected. A proposal shall relate only to one candidate and shall be invalid if it relates to more than one. The returning officer or any other persons specifically authorized by him in this behalf shall note on each proposal as soon as it received, its number as well as the time and the date on which it received;

Provide that no voter shall signed more proposals than the number of the members to be elected to the Bar Council and in case he does as his signature shall be valid only for such number of proposals as aforesaid.

**6.** (1) The returning officer shall, within two days of the last date fixed for delivery of proposals, cause to be put up a list of the proposals on a notice board at the office containing particulars of the candidates.

(2) Every candidates or a voter shall have the right to inspect the proposals before the scrutiny.

**7.** On the day fixed for scrutiny the Returning officer shall, after hearing such objection which will be made to any proposal by any candidate or a voter an after making such summary inquiry as he thinks fit, accept or reject the proposals.

**8.** A candidate may withdraw his candidature before the expiry of the third day fixed for scrutiny of the proposals by the returning officer.

**9.** (1) if the number of valid proposals from the district does not exceed the number of the members to be elected from that district, the Returning officer shall declare the proposed candidates to be elected.

(2) If after the withdrawal day the number of valid proposals from a district exceeds the number of members to be elected from that district a list of contesting candidates and the seats for which the election is to take place shall be pasted on the notice board of the Returning officer within two days of date of withdrawal.

**10.** The returning officer shall notify the polling stations and the areas to be reserved by such polling stations.

**11.** Each contesting candidate may before the commencement of the roll appoint not more than one agent for each polling station.

**12.** (1) The Returning officer shall publish, at least 30 days before the polling at list of voters showing each polling stations a particular voter shall cast his vote:

Provide that the Returning officer shall have the power to add to the list till the polling is held:

Provide that no person shall be entitled to vote if he ceases to be an advocate before the poll.

(2) All voters shall cast their votes at the polling stations indicated in the list except voters appointed as polling agents who shall be entitled to cast their votes at the polling stations for which they have been appointed as polling agents. A Candidate may cast his vote at any polling station.

**13.** The ballot papers shall be in such form as may be specified by the Returning officer and the names of the contesting candidates shall be written on it in English.

**14.** The Returning officer shall, for the purpose of conducting the election, appoint such number of Polling Officer to assist him as he may consider necessary.

**15.** The Returning officer shall provide the polling officer with a list of voters of the area for which he has been appointed the Polling Officer.

**16.** (1) The Polling Officer shall conduct the poll in accordance with the Provisions of these rules and shall exercise all necessary powers for maintaining order at the Polling stations and shall report to the Returning officer any fact or incident which in his opinion affects the conductor or fairness of the poll.

(2) It shall be the duty of a polling officer to do all such acts and things as may be necessary for effectively conducting the polls in accordance with the provisions of these rules.

**17.** (1) The ballot box shall be such as may be provided by the Returning officer.

(2) The polling officer shall ensure before the commencement of the poll that such box is empty and is properly sealed in the balloting position and is placed before him prior to the receiving of the ballot papers.

**18.** The polling officer shall subject to such instructions as the Returning officer may give regulate the entry of persons in the polling station and exclude there from all persons except.

- (a) Any person of duty in connection with the election and
- (b) Contesting candidates and one polling agent of each contesting candidates.

**19.** (1) There shall be displayed outside the place of the poll a list of the contesting candidates.

(2) To enable the voters to mark their ballot papers in secret the polling officer shall set up polling booths screened from observation where voters shall record their votes.

(3) The returning officer shall provide sufficient number of ballot boxes, copies of the list of voters, ballot papers stamps for making official mark, writing material for indicating preference on the ballot papers and such other articles as may be necessary for facilitating the casting of votes.

**20.** On the election of the council, each voter shall have as many votes as the numbers of Members to be elected to the Bar Council.

**21.** (1) A voter, on receiving the ballot paper, shall forthwith:

- (a) proceed to the polling booth;
- (b) Record his vote on the ballot paper by putting a tick against the name of the candidate for whom the voter intends to vote;
- (c) Fold the ballot paper so as to conceal his vote; and
- (d) Insert the ballot paper into the ballot box.

(2) No voter shall be allowed to enter the voting booth when another voter is inside it.

**22.** Voting shall take place generally under the direction, control and supervision of the Returning officer at such hours as the Returning officer may direct on the date or dates already fixed for voting in the program but the Returning officer may, for sufficient reasons, direct that the voting may continue after the date or dates fixed. Directions given by the returning officer shall be put on the notice board of his office a copy thereof shall, be sent to the president of all the Bar Association for being posted at the notice board of the Bar Association.

**23.** (1) Voting shall be by secret ballot.

(2) A voter who has inadvertently spoiled his ballot paper so that it cannot be used may, after satisfying the polling officer about the fact of inadvertence, return the ballot paper to the polling officer who shall issue another ballot paper after cancelling the spoiled ballot paper which shall be

placed in a packet labeled spoiled ballot papers "nothing the fact of cancellation on the counterfoil also.

(3) If any ballot paper which has been issued to a voter has not been inserted by him to ballot box, but is found to be anywhere else, it shall be cancelled and counted for as spoiled ballot paper.

**24.** (1) At the close of the polling, the person proceeding whit the polling on any polling station shall count in the presence of the candidates or their agents, the votes cast for the various candidates and shall forward the ballot papers and the result of counting in a sealed cover to the Returning officer.

(2) The returning officer shall, after giving notice to the contesting candidates as to the date, time and place for the accounting of votes open the sealed packets from the polling officer in the presence of such of the contesting candidates or their agents as may be present. He shall then proceed to count the ballot pates received from the various palling stations.

(3) The Returning officer shall reject a ballot paper if,--

(i) the voter has put a tick against the more candidates than the number of members to be elected.

(ii) The ballot paper contains a mark other them a cross put against the name of a candidates which is not found to be accidental.

**25.** The Returning officer shall prepare a report of the votes received by each candidates and the votes held to be invalid and shall declare the result, in case of equality of votes against the candidates the decision shall be taken by drawing of lots. The ballot papers as well as the report shall be preserved in a sealed box for the term of the members elected.

**26.** All candidates as well as their agents shall be entitled to be present at the counting.

**27.** A list of candidates declared elected shall be prepared and signed by the Returning officer, shall be published in the official Gazette, copies of the list shall also be sent to the president of all the bar associations to be affixed on their notice boards.

### **Chapter III**

**28.** An objection to the election under paragraph (h) of sub rule (1) of rule 4 may be filed by any candidate at the election or by any five voters to contest the validity of the election of a candidate by a petition by impleading the contesting candidate as party to the petition along with the returning officer and polling officer and stating there in the detail of grounds for setting aside the election and the relief claimed by the petitioner which shall be signed and duly verified in the manner provided in CPC and the petition shall be delivered to the Returning officer of the Bar Council who shall refer such objection to the Election Tribunal for disposal within fifteen days of the date

fixed for filing objection. The objections shall be accompanied by a deposit of Rs. 1000.00.

**29.** The objection to the validity of an election of a member shall be heard by the election Tribunal.

**30.** The petition shall be dismissed in case any of the requirements of Rule 2 are not fulfilled.

**31.** The election shall be set aside if the Tribunal finds that there is an irregularity which has materially affected the result of the election or an illegality has been committed.

**32.** No irregularity in any proceeding, not even a change of date, as stated in the programmed if such a change be due to unavoidable reasons, shall invalidate any proceeding, if it does not materially affect the result of the election.

**33.** If the election of any member is held void, the candidate who would have been excluded altogether from consideration while ascertaining the persons to be elected, shall be declared to be elected.

**34.** If it is not possible to elect a person by the method provided for in rule 33, a fresh election shall be held and the provisions of these rules shall apply mutatis mutandis provided that a programmed shall be published by the Returning Officer in the official Gazette not less than ten days after the election is declared invalid.

#### **Chapter IV**

##### **Election of Vice-Chairman**

**35.** At the first of the Bar Council there will be held elections to the office of Vice-Chairman.

**36.** Every member of the Bar Council shall be eligible for election as Vice-Chairman.

**37.** Any member present at the meeting may propose the name of any other member for election to the office of Vice-Chairman and after another member seconds the proposal the person whose name is so proposed and seconded shall become candidates for the office of the Vice-chairman and is hereinafter referred to a candidate.

**38.** A candidate may withdraw his candidature before the returning officer declares him elected or, as the case may be, proceed to take the poll.

**39.** If there is only one candidate that candidate shall be declared by the Returning officer to have been duly elected as the Vice-Chairman, but if there be more candidates than one, the issue shall be decided by taking a poll.

**40.** Voting for the office of the Vice-Chairman shall be by secreted ballot.

**41.** The Returning officer shall provide a ballot box which shall be shown empty to the members and thereafter nailed or locked and placed in a separate compartment.

**42.** The Returning officer shall issue to each member of the Bar Council a ballot paper.

**43.** After receiving the ballot paper the members shall proceed to the compartment where the ballot box is placed, mark a cross on the ballot paper against the name of the candidate for whom he intends to vote and thereafter drop the ballot paper in the ballot box.

**44.** When any member present and intending to cast his vote has done so the Returning officer shall open the ballot box in the presence of the members and count the votes cast in favor of each candidate.

**45.** Any doubt or dispute about making of a ballot paper shall be decided by the returning officer such summary inquiry on the spot as may be necessary.

**46.** A candidate obtaining the highest number of votes shall be declared by the Returning officer to have elected as Vice-Chairman.

**47.** If for the purpose of declaration of the result there is a tie between two or more candidates who have obtained an equal number of votes the result of the election shall be declared by the Returning officer by drawing of lots.

**48.** (1) No election of Vice-Chairman shall be called in question except by a petition presented to the Returning officer within 30 days of the declaration of the result.

(2) The Returning officer shall refer the petition to the Election Tribunal for disposal within 15 days of the Receipt of the petition.

(3) Where the election Tribunal hold an election to be void, a fresh election shall be held in the manner provided by these rules.

**49.** The returning officer may appoint additional returning officer or assistant Returning officer and delegate them any of his powers under these rules.

**50.** All action taken, notifications issued, orders passed under the Azad Jammu and Kashmir Bar Council first Election Rules, 1996 shall be deemed to have been made, done, performed under these rules.

#### **CHAPTER-IV-A**

##### **<sup>1</sup>[50-A. Vacation/cessation of Vice Chairman.**

- (i) he is appointed to an office of profit in the service of Azad Jammu and Kashmir, or

---

1. Added by B.C. Meeting, dated 01 May, 2010.

- (ii) is suspended or removed from practice under the provisions of these rules, or
  - (iii) he has lost the confidence of majority of the members of Bar Council, or
  - (iv) he resigns from his office by addressing the resignation to the chairman.
- (2) The office of the Vice Chairman if falls vacant the elections for the post of the Vice Chairman shall be held for the remaining period and the rules provided in chapter-IV Shall apply.]

**Chapter V**

**Powers and duties of the chairman and Vice-Chairman of Bar Council**

**51. The powers and duties of chairman.** (1) The chairman of the Bar Council shall be responsible for ensuring due compliance with the provisions of the Act and the rules.

<sup>1</sup>[(1.1) The Vice Chairman shall convene and preside over the meetings of the Bar Council.]

<sup>2</sup>[(2) xxxxxxxx]

(3) He shall exercise the powers and perform such functions assigned to him by the Act and the rules of the Bar Council from time to time.

**52. Functions and duties of Vice-Chairman.** (1) In the absence of the chairman, the Vice-Chairman shall exercise the powers and duties of the chairman.

(2) He shall be responsible for co- coordinating the functions of all the committees of the Bar Council.

(3) He shall exercise control over the employees of the Bar Council and shall be responsible for its smooth running.

(4) He shall exercise control over the functionaries of the Bar Council.

**Chapter VI**

**The Committees of the Bar Council**

**53.** <sup>3</sup>[(1) Subject to the approval of the AJ&K Bar Council, the Vice Chairman may constitute following committees and such other committees as it may decide to do from time to time.]

(a) The Executive committee consisting of a chairman and not more the five members.

---

1. Added by amendment Notification dated 13.08.2015.  
2. Added by amendment Notification dated 13.08.2015.  
3. Substituted by amendment notification dated 13.08.2015.

- (b) on enrollment committee having powers of enrollment of advocates for lower Courts and that of High Court, consisting of two elected members and one judge of the High Court nominated by the chief justice of the High Court.
- (c) One enrollment committee having powers of enrollment of senior advocates of Supreme Court and advocates of Supreme Court consisting of two elected members and one judge of the Supreme Court nominated by the chief justice of Azad Jammu and Kashmir.
- (d) The Disciplinary committee consisting of not more than five members of the Bar Council and on judge of High Court and one judge of the Supreme Court who shall be nominated by the respective chief justice in relations to the matters of advocates of lower Courts, advocates of the High Court and advocates of the Supreme Court.

Provide that the judge of the Supreme Court shall participate the proceedings of the committee in relation to the disciplinary matters of advocates and senior advocates of the Supreme Court .

- (e) Legal Education committee consisting five members.
- (f) Finance committee consisting of fiver member.
- (g) Law Reforms and Rules committee consisting of five members
- (h) Privileges committee consisting of five members.
- (i) Free legal Aid committee consisting of five members.
- (j) Restoration of Human Rights committee of the Bar Council consisting of five members.
- (k) Kashmir committee consisting of five members
- (l) Committee of Appeal in relation to the matters of enrollment consisting of five members.
- (m) Benevolent fund committee consisting of five members.
- (n) Azad Jammu and Kashmir Bar Council Tribunal.

(2) An elected member of the Bar Council may be elected member of more committees of the Bar Council and that of the Tribunal as well.

(3) The chairman of the respective committees shall be elected by the members of the committee, except the chairman of enrollment committees and Disciplinary committees who shall be declared elected in the manner provided in the Act.

**54.** The committees shall exercise such powers and perform such functions as are assigned to them by the Act, Rules and the Azad Jammu and Kashmir Bar Council form time to time.

**55.** The terms of office of every committee shall be same as that of the Bar council itself unless the Bar Council, when constituting the committee, provides otherwise.

**56.** The Chairman of a committee while convening the meetings shall determine the time and the place thereof and the Secretary shall prepare and issue the agenda to the members accordingly.

**57.** The meetings of the committees shall be presided over by the chairman of the committee concerned and in his absence by the member voted to the chair by the members present.

**58.** A notice of three days shall be given in case the meeting of the committee is of emergent nature and a notice of seven days in case the meeting is of ordinary nature.

**59.** Necessary quorum of the meetings of the committees shall be not less than three.

Provided that when a meeting is adjourned for want of quorum, the quorum for the adjourned meeting shall be one third of the total members of the members of a committee.

**60.** The business of a committee shall be transacted in the meeting of the committee. The decision shall be taken by the majority of the members present.

**61.** A committee shall have the power to decide upon the procedure in matters not covered by these rules.

**62.** Unless otherwise directed by the Bar Council all committees that are called upon to submit reports upon the matters referred to them shall submit reports in the following manner.

- (a) A comprehensive and clear enunciation of the questions considered by the committee shall be set out;
- (b) As far as practicable as specific issue will be dealt with separately according to the arguments for and against each proposal.
- (c) A detailed statement shall be set out on the facts upon which the committee has applied its mind and the conclusion arrived at as a result of such consideration and clear action of the bar associations or any other person elicited the substance of the opinion and the analysis thereof;
- (d) A specific draft resolution or the draft resolutions stating forthwith the recommendations the committee desires the Bar Council to adopt, shall be forwarded on the report;
- (e) The opinion of a committee can be dissented from by any member of the committee and he may append the notes of dissent which shall form part of the report.

**Chapter VII****General Rules relating to the meetings of the Bar Council and its Committees**

**63.** (1) The first meetings of the Bar Council shall be held within a month of the declaration of the result of the elections by the Bar Council.

(2) Ordinary meetings of the Bar Council may be convened by the chairman or in case he is, for some reasons, unable to act, by the Vice-Chairman.

Provide that not more than 3 months shall elapse between two meetings of the Bar Council.

(3) The chairman and in his absence Vice-Chairman shall convene meetings of the Bar Council on the receipt of the requisition signed by no less than seven members of the council, within a week of the requisition but in emergency it may be called within three days so as to suit the emergency. In case the chairman or the Vice-Chairman does not call on requisition a meeting, the same may be convened by the requisitionst and all expenses in this behalf shall be borne by the Bar Council and the proceedings conducted in that meeting shall be depend to be the proceedings of the Bar Council.

**64.** Notice required for a meeting of the Bar Council shall be ten days:

Provide the in case of emergency notice for a period of not less than three days shall be sufficient for which the agenda shall be circulated at least two hours before the time fixed for the meeting. The agenda for other meetings shall be served eight days before the meeting in case of a meeting of the Bar Council and three days in case of a meeting of a committee.

**65.** Notice for the meeting shall be served either personally for through registered post or by such other method as the Bar Council may determine.

**66.** Necessary quorum for the meetings of the Bar Council shall be not less than the simple majority of the total elected members.

Provided that when a meeting is adjourned for want of quorum, the quorum for the adjourned meeting shall be one third of the total number of the members of the Bar Council.

**67.** The business shall be transacted at the meeting in according with the agenda issued:

Provide that any other business my, with the permissions of the chairman of the meeting, be transacted if the majority of the members present who, at the same time, constitute a majority of the total number of the members of the Bar Council or the committee, as the case may be.

**68.** The order in which the business is to be discussed in a meeting may be changed by the chairman or the person presiding over the meeting.

**69.** The decision at a meeting shall be by majority or votes .the votes shall be show of hands in case of equality of votes. The chairman of the meeting shall be entitled to the second vote.

**70.** 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 intimate his desire to the chairman of the meeting and shall speak only when called upon to do so by the chairman and shall address the meeting standing, except when permitted otherwise by the chairman of the meeting. If at any time the chairman rises, the member shall resume his seat.

**71.** All proceeding of a meeting of the Bar Council shall be recorded by the secretary under the directions of the chairman of the meeting or in case of meeting of a committee by the Secretary or any other person authorized by the committee or the council or as the case may be and such minutes shall be laid before the next meeting of the council or the committee, as the case may be, for approval and confirmation and after the confirmation, the approved minutes shall be entered in the minutes book duly certified as approved by the chairman of the Bar Council or the committee presiding over the meeting.

### **Chapter VIII**

#### **Function Of Executive Committee**

**72.** 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 Bar Council shall vest in the executive committee and shall be exercised either directly or through its committees.

Provided that Bar Council may, by resolution, direct or order, and specify the manner in which the executive Committee shall exercise its powers and functions.

**73.** Without prejudice to the generality of the provisions contained In rule 72, the Executive Committee shall have the powers and functions of supervision and deal with all the matters regarding administration of the Bar Council, to recommend to the Bar Council the qualifications, terms and conditions of the staff of the Bar Council, to implement the decision of the Bar Council and to receive and deal such with the respective complaint by advocates and resolution passed by the Bar Council.

Subject to the Bar Council appoint, remove and dismiss the staff of the Bar Council.

Provide that the Executive committee shall have the powers to appoint suspend remove of dismiss a member of the staff <sup>1</sup>of Bar Council:

---

1. Substituted by amendment Notification dated 13.02.2014.

Provide further that in case of emergency the chairman of the executive committee may exercise these powers stating the reasons of such emergency and the matter may be placed before the committee for consideration/approval without unreasonable delay.

**74.** The executive committee shall be responsible for realizing all the moneys out of Bar Council's funds for the Management, Administration and utilization of the funds of the Bar Council in accordance with the authorized and sanction of the annual financial statement and supplementary financial statement authorized by the Bar Council.

### **Chapter IX**

#### **Roll of Advocates**

**75.** The Bar Council shall prepare the roll of the advocates of lower Courts (Pleadings), advocates of High Court and Supreme Court giving their full addresses.

**76.** The entries in the roll shall be made in the order of seniority and such seniority shall be determined as follows, namely:

- (a) All such person as are referred to in clause (a) of section 21, clause (a) of section 22 or clause (a) of section 23, shall be entered first in the order in which they were respectively entitled to the seniority interse, immediately before the commencement of the Act.
- (b) The seniority of any other person admitted after that date to be an advocate or an advocate of the High Court/ Shariat Court or an advocate of the Supreme Court, shall be determined by the date of his admission; and
- (c) Where the date of seniority of two or more persons is the same one senior in age shall rank as senior to other
- (<sup>1</sup>d) An advocate having his name on the roll of Bar Council who, intends to join some other profession, business or vocation, shall apply to the Bar Council for keeping his license under suspension.

Provided That he may apply for restoration of his name on the role of advocates if he disassociates himself from such business, profession, service or vocation and provides an affidavit that he has not incurred any disqualification under the legal practitioners and Bar Council Rules, 1998 for enrollment as and Advocate during the period his certificate to practice remained suspended.

Provided further that if he fails to seek such suspension within one month of such engagement or employment in such other profession or service he shall be guilty of professional

---

1. Added by amendment Notification dated 20.01.2017..

misconduct under the legal practitioners and Bar Council Act, 1995 and rules made there under and his name shall be deemed to have been removed from the roll of advocates, however, he may apply for license afresh.

## **Chapter X**

### **Enrollment and Training of Advocates**

**77.** Any person qualified under section 24 to be admitted as an advocate may make an application in form 'A' prescribed by the Bar Council, for admission as an advocate to the Bar Council:

<sup>1</sup>Provided that the law graduate will only become eligible to apply to the Bar Council for being enrolled as an advocate if he/she qualifies assessment test to be conducted by the National Testing Services - Pakistan (NTS):

<sup>2</sup>Provided further that if the applicant is a retired Government Servant/Public Statutory Organization or above the age of 40 years, may make an application for enrollment as an Advocate, and if he fulfills the prescribed criteria of the Bar Council, shall pay Rs. 75,000/- as an Advocate of Lower Courts and Rs. 150000/- as an Advocate of the High Court, as Enrollment Fee.]

- 78.** The application shall be accompanied by:-
- (a) Satisfactory evidence of the applicant's date of birth;
  - (b) Satisfactory evidence of qualification under section 24;
  - (c) Two testimonials from advocates of 10 years standing as the characteristic and conduct of the applicant:
  - (d) An affidavit stating full, truly and accurately if any criminal proceeding or proceedings for professional or other misconduct were instituted against him in any country and if so with that result.
  - (e) Receipts of payment of prescribed enrollment fees to the Bar Council.
  - (f) An undertaking that he would become a member of a Bar Association within six months after his enrollment;
  - (g) List of at least of 10 cases in form "A-1" in which he has assisted his senior duly signed by the senior, giving the nature of each case;
  - (h) Six attested copies of his passport size photograph;

---

1. Inserted by amendment notification dated 29.01.2014.

2. Inserted by amendment notification dated 29.01.2014.

- (i) An affidavit stating as to what the applicant was doing during the period of Gap, if there was a considerable gap in between his academic examinations and the application for enrollment;
- (j) A character and a good conduct certificate from the employer if he had been in service anywhere;
- (k) A certificate of training form the senior in form "B" prescribed by the Bar Council.
- (l) Certificate from National Testing Service-Pakistan (NTS).]

**Explanation:** The date of birth recorded in the university or Board of secondary Education form which the applicant secured his matriculation certificate shall be presumed to be correct. <sup>1</sup>(deleted).

**79.** (1) Every apprentice (except a person mentioned in Rule 85 infra), shall, before being admitted as an advocate, have to undergo a comprehensive training regularly for a continuous period six months as pupil in the chamber of an advocate who has been entitled to practice as an advocate for a period of not less than ten years.

A pupil may take training with more than one advocate for a period of six months which are substantially continuous intimation of joining each advocate should be sent to the secretary of Bar Council in accordance with this rule.

Provide that no advocate shall take more than three pupils at a time that the advocate taking pupils was practicing at the Bar during the whole period of pupilage, and that a written intimation of a person joining an advocate as pupil, signed by both of them, has been sent to the secretary of Bar Council within one month after the commencement of pupilage. In case an advocate has more than three pupils at any particular time only the first three in the order in which they were taken shall be regarded as under training.

(2) An advocate with whom a person received training in accordance with sub rule (1) of Rule 79 shall give a certificate in form "B" prescribed by the Bar Council and shall specify in the certificate or as a separate annexure thereto at least ten cases in which he had the assistance of the pupil.

(3) An advocate who give a false certificate in this behalf shall be guilty of professional misconduct.

(4) Every applicant applying for admission as an advocate shall have to pass a written examination in addition to a viva voce examination, held quarterly under the direction and supervision of the Enrollment Committee of the Bar council in the following subjects.

- (i) Civil Procedure Code;
- (ii) Criminal Procedure Code;

---

1. Deleted by amendment notification dated 29.01.2014.

- (iii) Islamic Penal Laws;
- (iv) Qanoon-e-shahadat;
- (v) Constitution of Islamic Republic of Pakistan;
- (vi) Azad Jammu and Kashmir Intern Constitution Act, 1974;
- (vii) Legal Practitioners and Bar Council Act, 1995 and the rules framed there under;
- (viii) Canons of Professional conduct and Etiquettes;
- (ix) Pleadings and Conveyance.

The written examination shall be three hours during carrying 100 marks each paper with a pass percentage of 50%

Copies of the constitution bare Acts and Rules shall be made available to the applicant at the examination.

**80.** The enrollment committee may before it passes an order granting the application or returning it to the Bar Council, make such summary enquiry as it thinks fit.

**81.** Where an enrollment committee or the Bar Council grants the application, a certificate for enrollment shall be issued to the applicant in form "C" appended to these rules.

**82.** If the Bar Council rejects the applications the decision shall forthwith be communicated to the applicant.

**83.** The applicant whose application is rejected by the Bar Council shall be entitled to prefer an appeal within 30 days of the notice of rejection of his application to the appellate Enrollment committee of the Bar Council provided that the said committee may, for sufficient cause, extend the period for filing the appeal.

**84.** The appellate Enrollment committee of the Bar Council may make or cause to be made such inquiry as it deems proper for the purpose of deciding the appeal. In case the appeal is accepted the Bar council shall issue and Enrollment Certificate in form "C" appended to these rules.

**85.** The following persons shall be exempt from form training and examination provided in rule 79 supra <sup>1</sup>on payment of the additional amount of Rs. 50,000/-:-

- (1) Applicant who has received an LL.M degree from any university in Pakistan or a university recognized under section 24 (1) (c) of the Act, or a degree or diploma which is declared by the Bar Council to be equivalent to that degree.
- (2) Applications who have for, at least five years held a judicial office in Azad Jammu and Kashmir, Pakistan or who have for a like period held a post in the service of Pakistan or Azad

---

1. Inserted by amendment Notification dated 13.08.2015.

Jammu and Kashmir the duties whereof entail interpretation or drafting of law;

- (3) Applications who, after having been called to the bar in England have completed a full over year training with a senior counsel in England which training there after entitles them to appear independently in Courts in England
- (4) Application who after having been enrolled as practicing lawyers in any place with in Pakistan or outside have, to the satisfaction of the Enrollment committee of the Bar counsel practiced there for full one year.

**86.** The Bar Council may refuse enrollment to a person otherwise qualified on the ground of his removal from the roll of advocates or legal practitioners of any country or the pendency of criminal proceeding involving moral turpitude or proceedings for professional misconduct against him in any country.

**87.** All cases in which the degree on the basis of which application for enrollment has been submitted is a degree recognized under section 24 (1)(c) (iii) of the Act, and all cases wherein proceedings have been taken against the applicant for enrollment in any country whether criminal proceedings or proceedings for professional misconduct, shall be placed before the Bar Council for appropriate action before they are sent to the Enrollment Committee. The Bar Council may, inter alia, allow the enrollment of the applicant subject to the passing of such examination as it may think proper to provide.

**88.** (1) No person shall practice as an advocate unless he is a member of a Bar Association of the place at which he ordinary practice, which association has been recognized under the rule next following.

(2) It will be sufficient compliance with the requirement of the preceding clause if within six 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 ordinary and his application has not been dismissed .

(3) the certificate of enrollment of a person who has not applied for being admitted as member of a Bar Association within six months 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 Bar Council and a further right of appeal to the tribunal of Bar Council. The appeal shall be filed within two months of the communication to him of the order appeal against. The appellate authority shall have jurisdiction to grant a stay of the operation of the order passed against the advocate and may for sufficient cause condone the delay in the filing the appeal.

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

**89.** (1) Any association of advocates ordinarily practicing at a particular place except the Association at the national level, may apply to the Bar Council for recognition as a bar association to which these rules apply. The application shall be filed by the president or secretary of the association.

(2) In case the Bar Council refuses to recognize a Bar Association an appeal will lie against such refusal to the Tribunal of the Bar Council which shall be filed within period of two months of the notice of such refusal subject to the power of the Tribunal Bar Council to condone the delay for sufficient cause. The Tribunal Bar Council may set aside the impugned order or pass any appropriate order and it shall also have authority to suspend the operation of order of refusal of the Bar Council to recognize the Bar association during the pendency of the appeal.

(3) The Bar Council shall decide an application for recognition of a bar Association within four months of the submission of an application in this behalf and in case it fails to decide within this period the members of the bar association shall be regarded as members of a recognize bar Association till the question of recognition of such Bar Association is decided by the Bar Council.

(4) Any Association of advocates at the national level shall apply the Bar Council for recognition as a bar association . The application shall be filed by the president or the secretary of the Association such application will be considered and decided by the Executive committee of Bar Council.

(5) In case the executive committee refuses to recognize a bar association at the national level, an appeal will lie be against such refusal to Tribunal Bar Council which shall be filed within 30 days of intimation of such refusal. The Tribunal of the bar council may set aside the impugned order or pass any appropriate order and it shall also have the authority to suspend the operation of refusal of the executive committee during the pendency of the appeal.

**90.** An advocate having his name on the roll of Bar Council may apply that his certificate be suspended because he intends to discontinue his practice in order to carry on business or to join some other profession, service or vacation and he may apply also for the termination of such suspension an advocate may also apply that his name be removed from the roll of advocates.

**91.** All dispute relating to seniority shall be determined by the Enrollment committee and 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 enrollment committee by pasting correction slips In the roll. An appeal will lie against the order of the enrollment committee of Bar

Council within one month of the order subject to extension of time for sufficient cause by the appellate authority .

**92.** All additions, alternation and corrections made in the roll shall be communicated to the High Court within seven days of such additions, alternations and corrections etc.

### **Chapter XI**

#### **Enrollment of Advocates High Court**

**93.** Any person qualified under section 24 to be admitted as an Advocate may make an application to the Bar Council for admission as an Advocate of the High Court. The application shall be accompanied by:

- (a) Satisfactory evidence to the effect that the applicant has practiced as an advocate, wakeel or pleader before the subordinate Courts in Azad Jammu and Kashmir for a period not less than two years or has practiced outside Azad Jammu and Kashmir for a period not less than 2 years or has practiced outside of Azad Jammu and Kashmir as an Advocate before the High Court specified in this behalf by the Bar Council.
- (b) An affidavit that the applicant fulfils the requirements of section 24 of the Act;
- (c) Two certificates from the advocates of the High Court as to his being a fit person to be admitted as an advocate of the High Court ;and
- (d) A receipt of payment of an sum <sup>1</sup>Rs. 5000/- or any amount prescribed in this behalf.

**94.** Every applicant applying for admission as an advocate of High Court shall have to pass viva voce examination, held quarterly by the enrollment committee of the Bar Council in the following subjects;

- i. Civil Procedure Code;
- ii. Criminal Procedure Code;
- iii. Islamic Penal Laws;
- iv. Qanoon-e-Shahdat;
- v. Constitution of Islamic Republic of Pakistan;
- vi. Azad Jammu and Kashmir Interim Constitution Act, 1974;
- vii. Azad Jammu and Kashmir High Court Procedure Rules;
- viii. The Laws Relating to Elections of the Azad Jammu and Kashmir Legislative Assembly and that of Local Council in Azad Jammu and Kashmir.

---

1. Substituted vide amendment Notification dated 29.01.2014.

**95.** The enrollment committee shall dispose of an application within six weeks of the receipt of the application by it. If the Bar Council rejects the applications the decision shall forth with be communication to the applicant and the applicant shall be entitled to prefer an appeal within 30 days of the notice of the rejection of his application to the appellate enrollment committee of the Bar council. The appellate enrollment committee of the bar council may make or caused to be made such inquiry as a deem proper for the purpose of deciding appeal. In case the appeal is accepted the Bar Council shall issue enrollment certificate.

**96.** All pleaders practicing in subordinate Courts in Azad Jammu and Kashmir immediately before the commencement of these rules and who have not yet applied for enrollment as advocates of High Court shall pay a fee Rs. 500/- per annum by the 31st of December of the preceding year. A pleader who fails to pay annual fee or any other fee or contribution provided by these rules by 31st of December of the preceding year, shall pay a fee of Rs. <sup>1</sup>5, per day of delay or such amount as may be prescribed in this regard.

**Chapter XII**  
**Enrollment of Advocate s of Supreme Court**

**97.** No person shall be entitled to appear or plead direct before the Supreme Court of Azad Jammu and Kashmir unless;-

- (i) He satisfies all the conditions laid down by the rules framed by the Supreme Court of Azad Jammu and Kashmir in respect of person entitled to appear and plead before the Supreme Court; and
- (ii) He has paid to the Bar Council, in case he is an advocate of the Supreme Court a fee of Rs. <sup>2</sup>15,000/- and in case he is a senior advocate of the Supreme Court a fee Rs. <sup>3</sup>25,000/-.

**98.** (1) An application for the enrollment of the advocates of the Supreme Court shall be addressed to the chairman of the Bar Council, It shall be made in form "E" appended to these rules. It shall be accompanied by;-

- (i) a receipt of the enrollment fee;
- (ii) a certificate from the Bar Council to the effect that the applicant is an enrolled advocate of the High Court of Azad Jammu and Kashmir and that his name is still borne on the roll of advocates maintained by the Bar Council; he is not in arrears of dues of the Bar Council; and that he was not convicted for an offence of professional and other misconduct together with details of any case of professional or other misconduct if pending before the Bar Council;

---

1. Substituted by the Notification dated 20.01.2017..  
2. Substituted by the Notification dated 20.01.2017.  
3. Substituted by the Notification dated 20.01.2017.

- (iii) a certificate from the high Court of Azad Jammu and Kashmir that he is a fit proper person to appear and plead as an advocate before the Supreme Court of Azad Jammu and Kashmir;
  - (iv) A list of ten decided cases and <sup>1</sup>ten pending cases conducted by the applicant in the High Court;
  - (v) a certificate from the bar association of which he is a member to the effect that he is not in arrears of subscription or any other dues of the bar association;
  - (vi) A list of selected cases conducted by the applicant in the High Court;
  - (vii) Two passport size photograph of the applicant duly attested by the president/secretary of the bar association of which is member or by any member of the Bar Council.
- 99.** An application for admission of Senior Advocate of the Supreme Court shall be addressed to the Chairman in form "G" appended to these rules. It shall be accompanied by.
- (a) A receipt of Rs. <sup>2</sup>25,000/- as enrollment fee;
  - (b) Certificate from the Bar Council that he is enrolled as an advocate of the Supreme Court;and
  - (c) Certificate from the Supreme Court of Azad Jammu and Kashmir to the effect that view of the Supreme Court Rules, the applicant is a fit person to be admitted as senior advocate of the Supreme Court.
- 100.** (1) An application for enrollment shall forward by the chairman to the Enrollment committee for decision.
- (2) The enrollment committee shall consider the application and may call the applicant for interview.
- (3) If the Enrollment committee grants applications the applicant shall be enrolled as an advocate of the Supreme Court and a certificate in form "F" shall be issued to him. If he is enrolled as senior advocate of the Supreme Court, a certificate in from "H" shall be issued to him.
- (4) If the enrollment committee rejects the application, it would record the reasons for not granting the application and shall inform the applicant accordingly.
- (5) Where the application is rejected by the enrollment committee an appeal shall lie to the appellate Enrollment committee of The Bar Council and its decision shall be final.

---

1. Substituted by the Notification dated 20.01.2017.

2. Substituted vide notification dated 29.01.2014.

**Chapter XIII**

**Forms and Fees etc. for Enrolment**

**101.** (1) A certificate of enrollment shall be given to a person enrolled as an advocate by the Bar Council In form "C" appended to these rules.

(2) A certificate of enrollment shall be given to a person enrolled as an advocate of the High Court by the Bar Council in form "D" appended to these rules.

**102.** (1) The enrollment fee for an advocate shall be Rs. 5000/-, which shall be deposited by the applicant with the Bar Council at the time of his making application for enrolment.

(2) <sup>1</sup>Advocate of Supreme Court shall pay Rs. 2,000/-, Advocate High Court shall pay Rs. 1,000/- and Advocate of Lower Courts shall be pay Rs. 500/- as annual Fee to the bar Council:

Provided that the 70% of annual fee shall be contributed to the Fund of Lawyers Foundation.]

(3) The fee for enrollment for an advocate of the High Court shall be Rs. (5000) which shall be deposited by the applicant with the Bar Council.

(4) A fee of Rs. <sup>2</sup>15,000/- for enrollment as an advocate of the Supreme Court shall be paid to the Bar Council.

(5) A fee of Rs. <sup>3</sup>25,000/- for enrollment as senior advocate of the Supreme Court shall be paid to the Bar Council.

(6) If an advocate fails to pay the prescribed fee or annual fee payable by him by the prescribed date, he shall be liable to pay further fee of Rs. 2/- per day for late payment and in case of non-payment of prescribed annual fee including late fee within period of two years, his License shall be suspended, subject to the condition that Bar Council shall issue a notice for the payment prior to 30 days off suspension.

(7) <sup>4</sup>The Bar Council shall declare the names of suspended Advocates who have failed to deposited the prescribed Fee within a period of two year as prescribed in sub-rule (6) before 28<sup>th</sup> February of every year.

**Chapter XIV**

**Appellate Enrollment Committee**

**103.** (1) The Bar Council shall constitute an appellate committee consisting of three elected, members and one judge of the High Court who shall be its chairman in relation to the matters pertaining to the advocates

---

1. Substituted vide Notification dated 29.01.2014.  
2. Substituted vide Notification dated 29.01.2014.  
3. Substituted vide Notification dated 29.01.2014.  
4. Substituted vide Notification dated 29.01.2014.

and advocates of the High Court. The same committee shall also be the appellate committee in relation to the matters of advocates and senior advocates of the Supreme Court.

Provide that with respect to the matters of advocates Supreme Court, the judge of the Supreme Court shall be a member of the appellate committee and shall be its chairman as well.

(2) The appeal against the order of the Bar Council refusing the enrollment of a person shall be filed before the appellate committee within one month of the date when the order is communicated to the applicant. The appellate Enrollment committee shall have powers to extend time for sufficient cause.

(3) Every such appeal shall be accompanied by a receipt of Rs. 500/- deposited by the applicant with the Bar Council.

(4) If the appeal is not dismissed in limine, notice of the admission of the appeal and the date fixed for its hearing shall be served on the advocate General.

(5) For the admission of the appeal it shall not be necessary to call a meeting of the committee and it would be sufficient if memorandum of appeal is circulated amongst the members.

(6) The committee may for sufficient cause, set aside an order of dismissal passed under these rules but the committee may refuse to set aside the order if the appellant has been guilty of laches in making an application for setting aside the order.

(7) The committee shall decide the appeal after hearing the appellant. Advocate General or his representative and after examining the record of the case and according such evidence as it may deem necessary.

(8) All disputes relating to seniority shall be determined by the appellate committee and in case the contestants are not entered in the roll in the correct order the amendment to the roll will be made giving effect to the decision of the Appellate Committee by passing slips in the roll.

(9) All additions, alterations and corrections made in the roll shall be communicated to the High Court and the Supreme Court within one month of such decision.

(10) The roll prepared under the Act and all additions, alterations and corrections made there under shall be notified in the official Gazette.

## **Chapter XV**

### **Disciplinary Proceedings**

**104.** The word advocate referred to in chapter shall be construed to be the advocate of lower Courts (pleader) advocate of High Court/Shariat Court, advocate of Supreme Court and senior advocate of Supreme Court.

**105.** (1) A complaint against an advocate shall be addressed to the <sup>1</sup>Vice Chairman of the Bar Council and accompanied by all documents or copies of documents that are available to the complainant and in case where the complaint is not by Court or a public officer acting in his official capacity shall also be supported by an affidavit as to the facts alleged therein:

Provided that the Bar Council may dispense with the filing of an affidavit.

(2) The complaint, If it is not by a Court, shall also be accompanied by a receipt of <sup>2</sup>Rs. 1000/- only deposited with the Bar Council.

(3) <sup>2</sup>If the complaint filed by an advocate against another advocate is found baseless, the complainant shall be treated as guilty of misconduct and shall be punished by the Bar Council for Committing misconduct.

(4) <sup>3</sup>If the complainant is not an advocate and the complaint is found false and baseless the Bar Council shall proceed against the complainant according to penal laws and such complainant shall also be liable to pay damages to the advocate concerned.

**106.** (1) The <sup>4</sup>Vice Chairman shall refer the complaint to the disciplinary committee of the Bar Council which may summarily reject the complaint or may call upon the advocate concerned to reply to the allegations made against him.

(2) After the perusal of the complaint and the reply, the Disciplinary committee shall make such enquires as it thinks fit.

(3) After hearing the complaint and the advocate concerned, the Disciplinary committee shall make its report to the Tribunal set up by the Bar Council in this behalf.

(4) Before the tribunal the proceedings against an advocate shall be conducted by the advocate-General or by an advocate appearing on his behalf. The parties shall also appear in person and be entitled to engage a counsel, but the advocate General shall have a prior right to conduct the proceedings against the advocate subject to any directions by the Tribunal.

**107.** on receipt of a reference form the disciplinary committee, the chairman of the Tribunal shall fix a date for the hearing of the case not earlier than 21 days from such receipt an notice of the date fixed shall be served on the advocate concerned as well as the advocate general along with copies of the record that has been forwarded to the Tribunal so as to reach the advocate as well as Advocate General no less than 15 days before the date

---

1. Inserted vide notification dated 21.10.2015.  
2. Added by amendment Notification dated 21.10.2015.  
3. Added by amendment Notification dated 21.10.2015.  
4. Added by amendment Notification dated 21.10.2015.

fixed Notices of the date shall also be served on the complainant in the case the complaint is not by a Court or by a public officer acting in his official capacity. Notices of the date should also be put up on the Notice board of the Bar Council.

**108.** The advocate concerned shall be entitled to file a reply to the allegations against him whether or not he has already filed a reply before the Disciplinary committee. He shall deliver such reply alongwith two copies to the secretary at least 7 days before the date of the hearing fixed by the Tribunal, and the secretary shall deliver h copies to the advocate General and the complainant at least two days before such date of hearing.

**109.** the Tribunal shall determine the matter before it on oral evidence and on documents in accordance with the provision of the Evidence Act and the Tribunal shall follow Generally and to the extent practicable, the procedure provided for suits in the CPC but the Tribunal shall also have the power to call for /or permit affidavits and to decide the whole case or any matter on affidavits and documents proved by affidavits provided that the party affected by an affidavit shall have the right to cross. Examine the deponent with reference to the statement in the affidavits.

**110.** An advocate concerned shall be competent witness on his own behalf and shall be liable if he appears as a witness to be cross examined but he shall not be compelled to appear as a witness but the Tribunal may examine him if he so desires.

**111.** The Secretary of Bar Council shall be ex-officio Secretary of a Tribunal and shall be responsible for service of notice issued by the Tribunal and for compliance with the rules in this chapter.

**112.** The procedure laid down in this chapter for the Tribunal shall apply, so far as may be, to the proceedings before the Disciplinary committee of Bar Council when it withdraws a case from the Bar Council or any conciliation committee or any inquiry committee or when an appeal is heard by the Disciplinary committee.

**113.** The Tribunal, after a case is referred to it, shall have the power to suspend the advocate concerned pending enquiry against him and to vary or rescind such order.

## **Chapter XVI**

### **Finance**

**114.** (1) The Chairman shall be responsible for realizing all moneys due to the Bar Council and for the management, administration and utilization of the funds of the council.

(2) All accounts relating to the funds of the Council shall be subject to the supervision and periodical check by the Chairman of the Finance Committee.

**115.** (1) The Bar Council shall contribute 20% or such share as is prescribed under the law for the time being in force of the enrollment fee realized by it from the advocates enrolled by it to the Benevolent Fund of the advocates.

(2) The moneys credited to the fund of the Bar Council shall be kept in such bank or banks and the account shall be operated by the Chairman jointly with the Secretary of the Bar Council or such other person as the Bar Council may authorize.

(3) The Bar Council may invest any portion of the fund of the Council in such a manner as it may think proper.

(4) The Bar Council may constitute a separate fund for any special purpose which shall be administered and regulated in such a manner as the Bar Council may specify.

**116.** The moneys credited to the fund of the Bar Council from time to time shall be applied in the following order:-

*Firstly* in the payment of salaries and allowances to the members of the staff of the council;

*Secondly* in the fulfillment of any obligation and in the discharge of any duty imposed on the Council under the Act of these rules; and

*Thirdly* meeting the expenditure declared by the Council to be an appropriate charge on the fund.

**117.** (1) A Cash-book shall be maintained by the Bar Council in form FA appended to these rules.

(2) The receipt of all cash and cheques received for credit to the fund of the Bar Council shall be entered on the receipt side of the cash book soon as the receipt is issued. The disbursement of all moneys from the fund of the Bar Council shall be entered on the expenditure side of the Cash book as soon as the disbursement is made.

(3) At the end of each day the total of the amount received and spent during the day shall be worked out and the balance struck.

(4) All entries in the Cash book shall be checked by the Secretary item by item with reference to the receipts and expenditure vouchers and in token of check the Cash book shall be signed by the Secretary daily.

(5) At the end of each month the balance shall be struck and the closing balance verified with reference to the bank pass book.

(6) The total of various columns in the Cash book shall be carried forward into the next month account.

**118.** (1) At the end of every six months a statement of the documents giving full details of income and expenditure shall be compiled and laid before the Bar Council by the Finance Committee.

(2) At the end of each financial year an annual account in form "FB" appended to these rules shall be compiled by the Finance Committee.

(3) The annual accounts so compiled shall be audited by the Chartered Account within the meaning of the Chartered Accountants Ordinance, 1961 appointed by the Bar Council on such remuneration as may be fixed by the Bar Council.

(4) The Auditor appointed under the sub-rule (3) shall examine the annual accounts together with the receipts and payment vouchers relating thereto and shall at all reasonable times have access to the books, accounts and other documents of the Bar Council and may with reference to such account examine any officer or employee of the Council.

(5) The Auditor shall report to the Bar Council upon the annual accounts and in his report he shall state whether in his opinion the annual account full and fair account is containing all necessary particulars and properly drawn up so as to expedite a true and correct view of the finances of the Bar Council.

(6) The annual accounts, balance sheet and auditor's report shall be laid before the Bar Council for approval not later than 3 months of the close of a financial year.

(7) The Finance Committee shall furnish to each member of the Bar Council at least 8 days before the date of the meeting of the council a copy of the Audited annual Account, balance sheet and the report of the Auditor.

**119.** (1) The Finance committee shall prepare an annual budget containing the statement of estimated receipts and expenditure of the Bar Council for the next financial year.

(2) The budget statement along with report of the Finance Committee shall be presented to the Bar Council not later than 5th of June each year so that it may be passed before the start of next financial year.

(3) During any financial year if it is found that the amount authorized to be expended for a particular purpose from the current financial year is insufficient or annual budget statement for that year the Bar Council Shall have power to authorizes expenditure through a supplementary budget.

## **Chapter XVII**

### **Canons of Professional Conduct and Etiquette of Advocates**

#### **A. CONDUCT WITH REGARD TO OTHER ADVOCATES.**

**120.** It is the duty of every advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof.

**121.** An advocate shall not solicit professional employment by advertisement or by any other means. This clause shall not be construed as prohibiting the publication or use of ordinary professional cards, name-plates or conventional listings in directories, so long as the information contained therein is limited to professional and academic qualifications, and public office currently held, and does not contain any matter with favours of personal advertisement.

**122.** An advocate shall not employ any other person to solicit or obtain professional employment nor remunerate another person for soliciting or obtaining professional employment for him; nor shall he share with an unlicensed person any compensation arising out of or incidental to professional employment, nor shall he aid or abet an unlicensed person to practice law or to receive compensation thereof; nor shall he knowingly accept professional employment offered to him as a result of or an incidental to the activities of an unlicensed person.

**123.** An advocate shall not communicate about a subject of controversy with a party represented by an advocate in the absence, and without the consent of such advocate.

**124.** An advocate shall not, in the absence of the opposing counsel, communicate with or argue before a Judge or Judicial officer except in open Court and upon the merits of a contested matter pending before such Judge or Judicial officer; nor shall he without furnishing the opposing advocate with a copy thereof; address a written communication to a Judge or Judicial officer concerning the merits of a contested matter pending before such Judge or Judicial officer. This rule shall not apply to ex parte matters or in respect of matters not subjudice before the Judge or Judicial officer concerned.

**125.** A client's offer of assistance of Additional Advocate's should not be regarded as evidence of want of confidence but the matter should be left to the determination of the client. An advocate should decline association as a colleague unless the dues of the advocate first retained are paid.

**126.** Clients, not advocates, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence advocates in their conduct and demeanour towards each other or towards the parties in the case. All personal clashes between advocates should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of advocates appearing on the other side. personal colloquies between advocates which cause delay and promote unseemly wrangling should be carefully avoided.

**127.** No division of fees with any person for legal service is proper except with another advocate based upon the principle of division of work as expressed in the agreement between the advocates.

**128.** Subject to the precedence of the Attorney-General and the Advocate-General as established by constitutional usage and practice, it is the duty of advocates to maintain and uphold the order of precedence in accordance with the roll of advocate maintained by the Bar Council.

**129.** Junior and younger members should always be respectful to senior and older members. The latter are expected to be not only courteous but also helpful to their junior and younger brethren at the Bar.

**130.** Where more than one advocate is engaged on any side it is the right of the senior member to lead the case and the Junior members should assist him, unless the senior so wants.

<sup>1</sup>131A on the occasion of death of an advocate, if the advocate is enrolled as an advocate of lower Court the members of the District Bar Association concerned shall not attend the court and attend Namaz-e-Janaza and also conduct condolence reference Bar Association, in the case of death of an advocate of High Court or Supreme Court all advocates of AJK shall not attend the court on the said day and perform Namaz-e-Janaza of their deceased brother and conduct condolence reference in the all bar association of High Court, Supreme Court and District Court as the case may be.

### **B. CONDUCT WITH REGARD TO CLIENTS.**

**131.** An advocate shall not acquire an interest adverse to a client in the property or interest involved in the case.

**132.** An advocate shall not accept employment adverse to a client or former client relating to a matter in reference to which he has obtained confidential information by reason of or in the course of his employment by such client or former client provided that an advocate, who has not been formally engaged by a person and accepted a retainer nor received any fees for such engagement is not precluded from accepting employment adverse to the interest of such a person.

**133.** An advocate shall not accept professional employment without first disclosing his relation, if any, with the adverse party, and his interest, if any, in the subject-matter of such employment.

**134.** An advocate shall not represent conflicting interests.

**135.** An advocate shall not himself or in benami purchase any property at a probate, foreclosure or judicial sale in an auction or proceed in which such advocate appears for a party, nor shall he accept the whole or part of the property, in respect of which he had been engaged to conduct the case, in lieu of his remuneration, or as a reward or bounty.

**136.** An advocate shall not commingle the property of a client with his own, and shall promptly report to the client the receipt by him of any money or other property belonging to such client.

**137.** An advocate shall not advise the commencement of prosecution or defence of a case, unless he has been consulted in reference thereto, except when his relation to a party or to the subject matter is such as to make it proper for him to do so.

---

<sup>1</sup> Inserted with the approval of Bar Council meeting held on 30.12.2017.

**138.** An advocate in his professional capacity shall not advocate violation of any law. This rule shall not apply to advice, given in good faith, that a law is invalid.

**139.** It is right of an advocate to undertake the defence of a person accused of crime, regardless of his personal opinion, as distinguished from knowledge as to the guilt of accused, otherwise innocent persons and victims merely of suspicious circumstances, might be denied proper defence. Having means to present every defence that the law of the land permits, to the end that so person may be deprived of life of liberty, except by due process of law.

**140.** In fixing fees, advocate should avoid charges which over-estimate their advice and services as well as those which under value them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his property may justify a lesser charge, or even none at all. The reasonable requests of a brother advocate, should also receive special and kindly consideration. In respect of widows and orphans of an advocate, all advocates shall assist them free of charge.

In determining the amount of fee it is proper to consider; (i) the time and labour required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the case, (ii) whether the acceptance of employment in a particular case will preclude the advocate's appearance for others in case likely to arise out of the transaction, about which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in a particular case, (iii) the customary charges of the Bar for similar service; (iv) the amount involved in the controversy and the benefits resulting to the client from the services; (v) the contingency or the certainty of the compensation and (vi) the character of the employment, whether casual or for an established and constant client. Of these considerations, none in itself is the controlling factor. These are mere guidelines in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of Justice and not a mere money making trade.

**141.** Controversies with clients concerning compensation are to be avoided by an advocate so far as shall be compatible with his self respect and with his right to receive reasonable recompense for his service. Any law suits with clients should be resorted to only to prevent injustice, imposition or fraud.

**142.** Nothing operates more certainly, to create or foster popular prejudice against advocates as a class, and to deprive the profession of that full measures of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defence or questionable transactions, that it is the duty of the advocate to do whatever may enable him to succeed in winning his client's cause.

It is improper for an advocate to assert in arguments his personal belief in his client's innocence or in justice of his cause. His professional duty is strictly limited to making submissions at the Bar consistently with the interest of his client.

An advocate owes entire devotion to the interest to the client, warm zeal in the maintenance and defence of this right and exertion of his utmost learning and ability to the end that nothing be taken or be withheld from him save by rules of law legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defence that is authorized by the law of the land, and he may expect his advocate to assert every such remedy of defence. But it is steadfastly to be borne in mind that the great trust of the advocate is to be discharged within and not without the bounds of the law. The office of an advocate does not permit, much less does it demand of him for any client, the violation of any law or any manner of fraud or chicanery. In doing his professional duty to his client he must obey the voice of his own conscience and not that of his client.

**143.** When an advocate is a witness for his client except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other advocate, Except when essential to the ends of justice, an advocate should avoid testifying in Court on behalf of his client.

**144.** In incidental matters, not affecting the merits of the cause in a trial, nor working substantial prejudice to the rights of the client, such as forcing the opposite advocate to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposite advocate when no harm will result from a trial at a different time, agreeing to an extension of time for filing written statements, cross interrogatories and the like, the advocate must be allowed to judge himself. In such matters no client has a right to demand that his advocate shall be ungenerous or that he does anything therein repugnant to his own sense of honour and propriety.

### **C. DUTY TO THE COURT**

**145.** It is duty of an advocate to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the Judicial office, but for the maintenance of its supreme importance. Judges not, being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. At the same time whenever there is proper ground for complaint against a Judicial officer it is the right and duty of an advocate to ventilate such grievances and seek redress thereof legally and to protect the complainant and persons affected.

**146.** An advocate shall not advise a person whose testimony could establish or tend to establish a material fact to avoid service of process or conceal himself or otherwise to make his testimony unavailable.

**147.** An advocate shall not intentionally misquote to a Judge, Judicial officer or Jury the testimony of a witness, the argument of the

opposing advocate or the contents of a document; nor shall he intentionally misquote to a Judge or officer the language of a book, statute or decision, nor shall he with knowledge of its invalidity and without disclosing such knowledge cite as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional.

**148.** Marked attention and unusual hospitality on the part of an advocate to a Judge or Judicial officer not called for by the personal relations of the parties, subject both the Judge and the advocate to misconstructions of motive and should be avoided. An advocate should not communicate or argue privately with the Judge as to the merits of a pending cause and he deserves rebuke and denunciation for any advice or attempt to gain from discharge of professional duty, without denial or diminution of the Courtesy and respect due to the Judge's station, is the only proper foundation for cordial, personal and official relations between the Bench and the Bar.

**149.** The primary duty of an advocate engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the concealing of witnesses capable of establishing the innocence of the accused is highly reprehensible.

**150.** Publications in newspapers by any advocate as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of Justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement or reference to the facts should not reach the public it is unprofessional to make them anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court but even in extreme cases, it is better to avoid any *ex parte* statement.

**151.** It is the duty of advocates to Endeavour to prevent political considerations from outweighing judicial fitness in the appointment and selection of Judges. They should protest earnestly and actively against the appointment or selection of persons who are unsuitable for the Bench and thus should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character which may embarrass their free and fair consideration of the questions before them for decision. The aspiration of advocates for Judicial positions should be governed by an impractical estimate of their ability to add honour to the office and not by a desire for the distinction the position may bring to themselves.

**152.** it is the duty of advocates to appear in Court when a matter is called and if it is so possible to make satisfactory alternative arrangements.

**153.** An advocate should, in general, refrain from volunteering his legal opinion on or addressing any arguments in cases in which such advocate is not engaged unless called upon to do so in open Court by a Judge or Judicial officer. In advancing any such opinion he must do so with a sense of responsibility and impartiality without any regard to the interest of any party.

**D. CONDUCT WITH REGARD TO THE PUBLIC GENERALLY**

**154.** An advocate shall not accept employment to prosecute or defend a case out of spite or for the purpose of harassing anyone or delaying any matter; nor shall he take or prosecute an appeal willfully motivated to harass anyone or delay a matter.

**155.** An advocate should always treat adverse witnesses and parties with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the advocate's conscience in professional matters. He has no right to demand that his advocate shall abuse the opposite party or indulge in offensive arguments. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

**156.** An advocate must decline to conduct a civil case or do make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work any oppression or wrong. But otherwise it is his right, and having accepted a retainer it becomes his duty to insist upon the Judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.

**157.** No advocate is obliged to act either as adviser to advocate for every person who may wish to become his client. He has the right to decline professional employment, every advocate upon his own responsibility will bring into Court for plaintiffs, and what cases he will contents in Court for the defendants.

**158.** No. client, corporate or individual, however powerful, nor any case civil or political, however important, is entitled to receive, nor should any advocate render, any service or advice involving disloyalty to the law whose ministers advocate are, or disrespect the Judicial officer, which they are bound to uphold, or corruption of any person or persons exercising a public office or private trust, nor indulge deception or betrayal of the public when rendering any such important service or advice the advocate invites merits stern and just condemnation. Correspondingly, he advances the honour of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law; though until a statute shall have been finally construed and interpreted by competent adjudication he is free and indeed is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all an advocate will find his highest honour in a deserved reputation for fidelity to private trust and to public duty as an honest man and as a patriotic and loyal citizen.

**159.** An advocate shall not communicate with, nor appear before a public officer, board, committee or body, in his professional capacity, without

first disclosing that he is an advocate representing interests that may be affected by the action of such officer, board, committee or body.

**160.** An advocate should not accept employment as an advocate in any matter upon the merits of which he was previously acted in a judicial capacity.

**161.** No advocate shall use his previous designation or post such as "Retired Justice", "Ex Judge", "Retired General", " Ex Attorney General", "Ex advocate General" or use any ex-designation, post of calling in any manner whatsoever, as prefix or suffix, either on letterheads, name plates, sign boards, visiting cards or in any form during the period of his practice as an advocate at any time.

- 162.** (i) <sup>1</sup>An Advocate shall not join or carry on any other profession, business, Service or vocation or shall not be an active partner or a salaried official or servant in or be subject to the terms and conditions of service of the Government, Semi, Government or autonomous body, or any other organization or institution, public or private. Any violation of this rule by an Advocate shall entitle consequences as provided in rule 76-D
- (ii) <sup>2</sup>Non observance or violation of the canons of professional conduct and etiquette mentioned in this chapter by an advocate shall be deemed to be professional misconduct making him liable for disciplinary action and Executive Committee of the Azad Jammu and Kashmir Bar Council shall proceed against him under rule 15(A) and rule 83 of AJK Bar Council (Memorandum of Bar Association) Rules 2001.
- (iii) <sup>3</sup>any person aggrieved by the decision/judgment order passed by the Executive committee under the above rules may file an appeal before the Bar Council within 30 days from the decision/judgment/order of Executive Committee. The decision of the Bar Council shall be final.

### **Chapter XVIII**

#### **Miscellaneous**

**163.** Members of the Bar Council when on duty shall be entitled to club class fare where the air service is available. Where the air service is not available they shall be entitled equal to 1st class air-conditioned train fare. In case the journey is by car, the members shall be entitled convenes allowance equal to fair of rent a car per day.

---

1. Substituted by amendment notification dated 20.01.2017.  
2. Substituted by amendment notification dated 20.01.2017.  
3. Substituted by amendment notification dated 20.01.2017.

**164.** (1) Every member of the Bar Council attending a meeting of Bar Council or its committee shall be entitled to an allowance of Rs. 3000/- per day for the days of a meeting so attended by him.

(2) If circumstances so require a member arrives earlier than the date of the meeting he shall be entitled to additional allowance of one day and similarly if he returns from the meeting after the date of the termination.

(3) 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.

(4) If Government accommodation is made available at concessional rates in a Government Rest House, a member shall be entitled to draw Rs. 1000/- per day instead of Rs.3000/-.

**165.** A member of the Bar Council shall vacate his seat if:

- (a) He resigns his seat by delivering his resignation to the Chairman;
- (b) He is removed from the roll; or
- (c) He is absent for 3 or more consecutive meetings of the Bar Council;

Provided that a meeting for the absence from which the member has taken permission of the Chairman shall not be regarded as a meeting from which he is absent.

- (d) The resignation dispatched by a member to the Chairman shall be effective from the time it is so delivered.
- (e) A member of the Bar Council who is suspended as an advocate shall not act as a member during the period of his suspension but shall vacate his seat only if his suspension is for a year or more or covers the whole term as a member.

**166.** (1) A register shall be maintained with regard to the disciplinary proceedings and the election petitions and all the records of the disciplinary proceedings as well as election petitions shall be preserved till they are ordered to be destroyed by the Bar Council. All parties to the proceedings shall be entitled on payment of the prescribed fee to a certified copy 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 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 charged by the Supreme Court.

(2) All applications filed in the disciplinary proceedings by any party shall be accompanied by a payment of Rs.<sup>1</sup>1000/- except in case of an application filed by an advocate-General or any advocate appearing on his behalf.

---

<sup>1</sup> Substituted vide Notification dated 21.10.2015

(3) All advocates appearing before the Bar Council or before any Tribunal or Committee of the Bar Council except the Advocate General or advocate appearing on his behalf shall file a power of attorney with a deposit of Rs. <sup>1</sup>1000/- to be paid to the Secretary of the Bar Council.

**167.** All moneys required to be paid under these rules shall be paid to the Secretary of the Bar Council or such other person as may be authorized in this behalf by the Bar Council and the receipt for the money paid shall be attached to the proceedings in respect of which the payment is made.

**168.** An advocate shall be entitled to obtain a duplicate copy of his enrollment certificate on payment of a fee of Rs. 100/-

**169.** The Secretariat of the Azad Jammu and Kashmir Bar Council shall be at, Muzaffarabad, The Sub-officer of the Bar Council may be established at Mirpur and Rawalakot, if so directed by the Bar Council from time to time.

Submitted to the Azad Jammu and Kashmir Bar Council in its meeting held on 7th February, 1998 at Kashmir House, Islamabad, for consideration and approval by Raja Muhamamd Hanif Advocate, Ch. Muhammad Azam Khan, Advocate, Ch. Muhammad Ibrahim Zia, Advocate, Members of Bar Council and the Members of the Special rules Committee.

The Bar Council Considered the rules and after a comprehensive debate into the matter, the aforementioned rules from rule 1 to 169, both inclusive, along with appendix were approved. Hence the same are notified for purpose of coming into force of these Rules.

By Order of the Bar Council.

**--sd--**

Secretary Azad Jammu &  
Kashmir, Bar Council

-----

---

<sup>1</sup> ibid

**FORM 'AA'****AZAD JAMMU AND KASHMIRBAR COUNCIL, MUZAFFARABAD  
INTIMATION**

*(Under Rules of 79 of the Azad Jammu and Kashmir Legal Practitioners & Bar Council Rules – 1998*

The Secretary,  
Azad Jammu & Kashmir, Bar Council,  
Muzaffrabad

Sir,

I Mr./Miss. \_\_\_\_\_ having passed the L.L.B, Examination in the year \_\_\_\_\_ and joined Courts \_\_\_\_\_ as a pupil with effect from \_\_\_\_\_ under the Azad Jammu and Kashmir Legal Practitioners & Bar Council Rules. 1998, do hereby intimate you accordingly.

I, hereby enclose the following documents in support of this intimation:-

- i) Attested photocopy of the LL.B degree or LL.B, Provisional Certificate of LL.B degree and
- ii) A Slip of Rs (1500)<sup>1</sup> deposited in the Bank in the collection A/C of Azad Jammu and Kashmir Bar Council, as intimation fee.

Yours Obediently

Dated: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

I, \_\_\_\_\_ Advocate Supreme Court/High Court/Subordinate Court \_\_\_\_\_ hereby certify that I have taken Mr. \_\_\_\_\_ as pupil under the Azad Jammu & Kashmir Legal Practitioners and Bar Council Rules, 1998 with effect from \_\_\_\_\_. I further certify that I have been entitled to practice in the High Court Lower Courts for a period of not less than 10 years and I will not have more than three pupils during the time of his/her pupillage.

Dated: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

---

1. Figure (1500) has been substituted with previous figure (100) by B.C Meeting dated 20-08-2009 (Verification Fee for degree is included).

## FORM 'A'

## AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD

*Application for Enrolment*

{See rule 31 }

- 1- Name of the Applicant \_\_\_\_\_
- 2- Date of Birth \_\_\_\_\_
- 3- Father's husband name \_\_\_\_\_
- 4- Nationality of the applicant \_\_\_\_\_  
(Attached Photocopy of National Identity Card) \_\_\_\_\_
- 5- Qualification for enrolment:

<b>Matric</b>	<b>B.A.</b>	<b>LL.B.</b>
R. No. _____ Year _____	R. No. _____ Year _____	R. No. _____ Year _____

- 6- Whether the applicant is a person exempt from Training & Examination provided in rule 5.2 A?
- <sup>1</sup>7- Whether He/She has deposited Rs. 2000 in the Account of the Bar Council?
- <sup>2</sup>8- Whether He/She has deposited B.F contribution if He/She is:-
- (i) Under Thirty Yearly Rs. 3500/- **OR** Lump Sum Rs. **50.000/-**
- (ii) Under forty Yearly Rs. 4000/- **OR** Lump Sum Rs. **55.000/-**
- (iii) Under Fifty Yearly Rs. 5000/- **OR** Lump Sum Rs. **60.000/-**
- (iv) UnderFiftyFive Yearly Rs. 5500/- **OR** Lump Sum Rs. **65.000/-**
- (v) Under Sixty Yearly Rs. 6500/- **OR** Lump Sum Rs. **70.000/-**
- 9- Whether he/She has paid Rs. 200/- as Identity Card Fee?

- 
1. Ex Provision of Clause 7 of form A which was amended vide Notification Dated 22 August 2009 was as under:  
7- Whether He/She has deposited Rs. 500/- in the Account of the Bar Council?
2. Ex Provision of Clause 8 of form A Which was. Substituted by the B.C meeting Dated 31 August 2008.was as under:  
8- Whether He/She has deposited B.F contribution if He/She is:-
- (i) Under Thirty Rs. 2500/-
- (ii) Under forty Rs. 3000/-
- (iii) Under Fifty Rs. 6000/-
- (iv) Under Sixty Rs. 15000/-
- (v) Under seventy Rs. 20000/-

- 10- Whether he/She is / was engaged in any business. Service, Profession, or Vocation in Azad Jammu and Kashmir or in Pakistan? If so nature thereof and the place at which it is carried on.
- 11- Whether the applicant proposes to practice Generally within the jurisdiction of the Azad Jammu & Kashmir Bar Council? State Place of Practice.
- 12- Whether the applicant has been declared insolvent?
- 13- Whether the applicant has been dismissed/removed from Service of Government or of public Statutory.
- 14- Whether the applicant is enrolled as an Advocate on the Roll of any other Bar Council?
- 15- Whether the applicant has been convicted of any Offence? If so, date and particulars thereof.
- 16- Whether any application of the applicant for Enrollment has previously been rejected.

Signature.....

ADDRESS FOR SENDING  
ENROLLMENT CERTIFICATE

HOME ADDRESS

**FORM 'A/1'**

**AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD.**

**LIST OF CASES**

S.No.	Petitioner's Name and Suit No. etc.	Nature of case (brief facts of case)	Name of the Courts	Remarks

**FORM 'B'**

**AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD.**

{Certificate of Training {See rule 79(3)}

I, ..... Advocate of Azad Jammu and Kashmir, do here by certify that Mr./Miss..... S/o daughter /wife of ..... had training with me for a period of six months (from to ) in accordance with Rule 79 of the Azad Jammu and Kashmir Legal Practitioners and Bar Council

Rules, 1998, that at the time when I took him/her as pupil, I had been entitled to practice as a pleader or as an Advocate for a period of not less than ten years, that I did not have more than three pupils during the whole or portion of his/her pupillage; that although I had more than three pupils during the whole or portion of his her pupillage he/she was for the whole or for the portion of the period of his/her pupillage one out of the first three people considered in the order in which they were taken as pupils; that I was practicing at the Bar during the whole period of pupillage and that a written intimation as to his/her having joined me as a pupil, signed by both of us, had been sent to the Secretary Bar Council within one month of the commencement of pupillage.

Date .....

**Advocate**

**FORM 'C'**

**(CERTIFICATE FOR PERMISSION TO APPEAR, ACT AND PLEAD BEFORE SUB-ORDINATE COURTS)**

No. \_\_\_\_\_

I, \_\_\_\_\_ Secretary of the Azad Jammu and Kashmir Bar Council, do hereby certify that \_\_\_\_\_ Son/daughter/wife of \_\_\_\_\_ resident of \_\_\_\_\_ enrolled on \_\_\_\_\_ has paid the annual Fee for the year \_\_\_\_\_ as provided by Rule of the Azad Jammu and Kashmir Legal Practitioners and Bar Council Rules 1998 and is entitled to practice during the year \_\_\_\_\_ in the Courts subordinate to the Azad Jammu and Kashmir High Court.

**By Order of the Bar Council**

**SECRETARY**

**FORM 'D'**

**CERTIFICATE FOR PERMISSION TO APPEAR, ACT AND PLEAD BEFORE HIGH COURT AZAD JAMMU AND KASHMIR)**

No. \_\_\_\_\_

The Azad Jammu and Kashmir Bar Council hereby certifies that \_\_\_\_\_ Son/daughter/wife of \_\_\_\_\_ who is an advocate of the Bar Council has now been admitted as an advocate of AJ&K High Court. He is entitled to appear, act and plead before any Court or Tribunal in Azad Jammu and Kashmir except the Supreme Court of Azad Jammu and Kashmir.

Given under the common Seal of the Azad Jammu and Kashmir Bar Council this \_\_\_\_\_ day of \_\_\_\_\_

**By the Order of the Bar Council**

**SEAL SECRETARY**

**FORM 'E'****AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD***(See Rule 96)***APPLICATION FOR ENROLLMENT AS ADVOCATE SUPREME COURT.**

To,

**The Chairman,**  
Azad Jammu & Kashmir Bar Council,  
Muzaffarabad.

Sir,

Enrol me as an Advocate of the Supreme Court of Azad Jammu and Kashmir. My Particulars are as under :-

1. Name. \_\_\_\_\_
2. Date of Birth. \_\_\_\_\_
3. Father/Husband's Name. \_\_\_\_\_
4. Nationality. \_\_\_\_\_
5. Date of enrollment as an Advocate of the High Court along with its. \_\_\_\_\_
6. Name of any other Bar Council on the Roll of which the applicant is enrolled as an Advocate of the High Court.
7. The Number in the Provincial Roll of the Advocates of the High Court.
8. The Number in the common Roll of the Advocates of the High Court Prepared by the Azad Jammu and Kashmir Bar Council.
9. Whether the applicant satisfied all the conditions laid down by the AJ&K Supreme Court in respect of the persons entitled to appear before the Supreme Court.
10. Whether the applicant had deposited the Enrollment fee with the Bar Council. Please give the amount and receipt No.
11. The name of Bar Association of which the applicant is a member along with the Clearance Certificate of the dues of the Bar Association.
12. Whether the applicant has been dismissed form the Service of Government or a statutory Corporation, if so, date and reasons thereof.
13. Whether the applicant has been convicted of any offence. If so date and Particulars thereof.
14. Whether an earlier application for enrollment of the applicant for enrollment has previously been rejected by the Bar Council.

Applicant.....

**FORM 'F'**

**AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD  
(CERTIFICATE FOR PERMISSION TO APPEAR, ACT AND PLEAD AS AN  
ADVOCATE OF THE SUPREME COURT OF AJ&K)**

The Azad Jammu and Kashmir Bar Council hereby certifies that  
Mr. \_\_\_\_\_ R/O  
\_\_\_\_\_

being an Advocate who satisfies all the conditions laid down by Rules framed  
by the Supreme Court of Azad Jammu and Kashmir has this  
\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
has been admitted and enrolled as an Advocate of the Supreme Court of  
Azad Jammu and Kashmir.

Given under the Common Seal of the AJ&K Bar Council This  
\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

SECRETARY SEAL  
AJK BAR COUNCIL

CHAIRMAN  
AJK BAR COUNCIL

**FORM 'G'**

**[Rule 79(3)]**

**AZAD JAMMU AND KASHMIR BAR COUNCIL  
MUZAFFARABAD.**

No \_\_\_\_\_

**(APPLICATION FOR ENROLLMENT AS SENIOR ADVOCATES  
SUPREME COURT).**

To.

The Chairman.  
Azad Jammu and Kashmir,  
Bar Council, Muzaffarabad.

Sir,

Enroll me as a Senior Advocate of the Supreme Court of Azad  
Jammu and Kashmir. My particulars are as under:-

1. Name.
2. Date of Birth.
3. Father/Husband's Name.
4. Nationality.
5. Date of enrollment as an Advocate of the Supreme Court of  
Azad Jammu and Kashmir

6. The number in the common roll of the advocate of the Supreme Court prepare by the Bar Council
7. Whenever the applicant Satisfied all the conditions laid down by the Supreme Court of AJ&K in respect of the person entitled to appear and plead before the Supreme Court as a Senior Advocate.
8. Whenever the applicant has deposited the enrollment fee with the AJ&K Bar Council. Please give the amount and receipt number.
9. The name of the Bar Association of which the applicant is a member along with the clearance certificate of the dues of the Bar Association.
10. Whenever the earlier application for enrollment has been rejected by the Bar Council

Date \_\_\_\_\_ Applicant \_\_\_\_\_.

**FORM "H"**

**See Rule100(3)**

**AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD**

(Certificate for permission to appear, act and plead as a Senior Advocate of the Supreme Court of Azad Jammu and Kashmir.)

The Azad Jammu and Kashmir Bar Council hereby Certifies that  
Mr.

\_\_\_\_\_

S/O

\_\_\_\_\_

R/O

\_\_\_\_\_

being an advocate of the Supreme Court of Azad Jammu and Kashmir who satisfied all the condition laid down by Rules framed by the supreme Court of Azad Jammu & Kashmir for enrollment of Senior Advocate has this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ been admitted and enrolled as a Senior Advocate of the Supreme Court of Azad Jammu and Kashmir. He is entitled to appear plead and act as such in the Supreme Court of Azad Jammu and Kashmir

Given, under the common seal of the AJ&K Bar Council this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**Secretary**  
**AJ&K Bar Council**

**Seal Chairman**  
**AJ&K Bar Council**

**FORM "FA"**

See Rule (72)

**AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD**

File No. \_\_\_\_\_

Cash/ Bank Book

Receipts				Payments		
Date	Vr. No.	Particulars	L.F	Cash Bank	Bank	Bank

**Form FB**

(See Rule-73)

Income and Expenditure Account for the Year ended  
.....

Expenditure		Income	
Salaries.....	Rs.....	Enrollment Fee...	Rs.
Printing and Stationery		Annual Fee	
Books & Periodicals		Fee for permission to Practice in High Court	
Postage, Telegram and Telephone, Bank Charges.		Fee for permission to practice As Advocate Supreme Court.	
Entertainment, Travelling and Conveyance,		Fee for permission to .....	
Electricity		Practice as Senior Advocate Supreme Court.	
Audit Fee		Other Fees	
Rent			
Miscellaneous Expenses			
Repairs and Maintenance		Invest earned	
Depreciation		Miscellaneous Income	
EXCESS OF INCOME OVER EXPENDITURE		EXCESS OF EXPENDITURE OVER INCOME	
Balance Sheet as		at.....	

Funds and Liabilities	Properties and Assets.
FUNDS Rs.	FIXED ASSETS                      Rs.
Opening Balance	(As per Schedule annexed)
Add. Excess of Income	At Cost.
Over expenditure	Less; Accumulated.
For the year.	Depreciation.
CURRENT LIABILITIES	INVESTMENTS CURRENT ASSETS
For Expenses	Advocacies, Deposits,
For Goods	and pre payments.
For other Finance.	
	CASH
	With banks in current account
	With Banks in Saving Accounts.
	With Banks in Fixed Deposit
	In hand.

No. 1000 = 102250/P&S/98 dated 26.03.1998

-----

REGISTERED L No. 1176

**“THE GAZETTE OF AZAD JAMMU AND KASHMIR” EXTRA  
ORDINARY GAZETTE PUBLISHED BY AUTHORITY**

VOL. XLV	Muzaffarabad Dated 22 April, 1999	NO.46
----------	-----------------------------------	-------

**AZAD JAMMU AND KASHMIR BAR  
COUNCIL BENEVOLENT FUND RULES, 1998**

{Gazette of Azad Jammu & Kashmir, Extra Ordinary, 22<sup>nd</sup> April, 1999}

Whereas it is expedient to establish a fund for the common benefit of the Advocates and to provide for subscription thereto and for the manner of its management and regulation. Now, Therefore, the Azad Jammu and Kashmir Bar Council in exercise of the powers conferred on it by section 53 of the Azad Jammu and Kashmir legal practitioners and Bar Council Act, 1995 (XXX of 1995) read with section 62 of the said Act, hereby makes the following rules:-

**CHAPTER-1**

**PRELIMINARY**

1.1 These rules, shall be called the Azad Jammu and Kashmir Advocate Benevolent Fund Rules 1998.

1.2 These rules, shall come into force at once.

1.3 In these rules, unless there is anything repugnant in the subject or context.

- (a) ‘Act’ means the Azad Jammu and Kashmir legal Practitioners and Bar Council Act; 1995 (XXX of 1995)
- (b) ‘Advocate’ means an advocate whose name is deemed to have been borne on the Rolls of Azad Jammu and Kashmir Bar Council in view of Rules 75 and 76 of Azad Jammu and Kashmir legal Practitioners Bar Council Rules, 1998 and Register maintained under these Rules.
- (c) ‘Bar Council’ means the Azad Jammu and Kashmir Bar Council;
- (d) ‘committee’ means the benevolent fund committee.
- (e) ‘Family’ means the legal heirs of the deceased advocate according to the personal law of the advocate;
- (f) ‘Form’ means the form appended to the Rules;
- (g) ‘Rules’ means the Azad Jammu and Kashmir Advocates Benevolent Fund Rules; and
- (h) ‘Vice Chairman’ means the Vice Chairman of the Bar Council.

1.4 The terms, words and phrases not defined herein shall, whenever the context so permits have the same meaning as is assigned to them under the Act.

## **CHAPTER-II**

### **CONSTITUTION OF THE FUND**

2.1 There shall be constituted a Benevolent Fund (Hereinafter called the fund) comprising as under:-

- a) Advocate (Security) Benevolent Fund, (hereinafter called the security Fund); and
- b) Advocate (Relief) Benevolent Fund (hereinafter called the relief Fund).

2.2 Every advocate borne on the Rolls of the Azad Jammu and Kashmir Bar Council or an applicant for being enrolled as an advocate shall make contribution of Rs. 2000/- to the fund:

Provide that an Advocate, who has attained the age of 65 years, shall contribute Rs. 50. annually;

Provide further that an applicant for being enrolled as an Advocate who at the time of his enrollment is not above the age of 30 years, or an advocate who is not above the age of 30 years, shall pay Rs.3000/- to the Fund.

Provided further that:-

- (i) An applicant for being enrolled as an Advocate who is between the age of 40 and 50 years, shall pay an additional contribution of Rs. 500/- to the Fund.
- (ii) An applicant for being enrolled as an advocate who is between the age of 50 and 60 years, shall pay Rs. 4000/- to the fund.
- (iii) An advocate who has already made a lump sum contribution to the fund shall pay an additional sum of Rs. 1000/- and
- (iv) An advocate who is making annual contribution and is defaulter, may continue to make such contribution by 31st of January of the calendar year for which the contribution is being made or any time he may deposit Rs. 2000/-

2.3. If an advocate does not make annual contribution by the prescribed date he shall cease to be a member of the Fund. He shall then become a member of the Fund <sup>1</sup>from the date he discontinued to contribute in the fund on payment of Rs.2000/- <sup>2</sup>per annum

---

1. Inserted through Notification dated 29.01.2014.

2. Inserted through amendment in rules Notification dated 29.01.2014.

2.4 To credit of the Fund shall be placed:-

- a) All sums paid by the Advocate as contribution to the Fund.
- b) All grants made by the AJ&K Council, and the Government, autonomous bodies, organization, intuitions or other authorities; and
- c) Donation made by advocates in addition to the their contribution.

2.5 Out of annual income accrued from the investments of the fund and annual contribution received. 6/7th shall be allocated to the Security Fund and the remaining 1/7 the and the annual contributions received from the advocates who have attained the age of 65 years shall be allocated to the advocates who have attained the age of 65 years shall be allocated to the Relief Fund.

2.6 The amount credited to the Fund shall be utilized for:-

- a) payment of amounts under the Rules:
- b) Meeting the expenditures incurred by the Bar Council and Committee for the management of the Fund.
- c) The purposes authorized by the Act and the Rules: and (d) other payments and expenses authorized by the Bar Council.

### **CHAPTER III**

#### **ACCOUNTS AND AUDIT**

3.1 The fund shall be managed by the Committee which shall function under the supervision and control of the Bar Council.

3.2 The receipts and expenditure shall be separately entered in respect of the security Fund and relief fund in a Cash Book to be maintained in the manner provided by the Azad Jammu and Kashmir Legal practitioners and Bar Council Rules. 1998.

3.3 The Fund shall be kept in such bank or invested in such securities as may be approved by the Bar Council.

3.4 The bank accounts shall be operated by the Vice Chairman and the Chairman of Committee jointly.

3.5 The accounts shall be audited in the manner prescribed by the Azad Jammu and Kashmir legal practitioners and Bar Council Rules 1998.

3.6 The audited annual statement of account of the fund shall be laid before the first meeting of the Bar Council held after first March of every year; provided that the bar council may examine the account at any time it deems fit a summary of such statements may be sent every recognized Bar Association in the Azad Jammu and Kashmir.

**CHAPTER-IV****ADVOCATES (SECURITY) BENEVOLENT FUND**

4.1 If an advocate, before attaining the age of sixty five (65) years, dies or is declared by the medical authority appointed by the/Bar Council to have been permanently incapacitated physically or mentally to discharge his professional duties, he or his family or his nominee under Chapter VI, as the case may be, shall subject to Rule 4.2 make a claim in writing to be paid a sum of Rs. 60000/- out of the Security Fund.

Provided that:

- (i) (a) Rs. 40000/- will be paid to that advocate who fails to make the additional contribution of Rs.1000/- under paragraph (iii) of second proviso to rule 2.2
- (b) Rs. 35000/- in case of the Advocate who makes annual contribution and
- (c) an advocate who has made additional contribution of Rs. 500/- to the Fund under proviso to Rule 2.2 shall be paid Rs. 60,000/- from the Security Fund of completion of the age of 65 years, or in the event of his death before the completion of the age of 65 years, his nominee or his family shall be paid Rs. 60,000/- on the date on which he would have attained the age of 65 years.
- (ii) the payment out of the Security fund under sub-rule (i) shall be made on the production of the medical certificate in case of permanent incapacitation or the death certificate, attested by a Member of the Bar Council of concerned District or by the President of the Bar Association of the place where the deceased was ordinarily practicing.
- (iii) an advocate who fails to make contribution or has committed default within the meaning of Rule 2.2, shall not be entitled to any claim payable under the Rule and
- (iv) an advocate who is member of the Fund, and has made the full contribution under Rule 2.2, shall be paid Rs. 5000/- on attaining the age of seventy (70) years.

4.2 An adhoc payment of Rs. 5000 is made within one month of the lodging of the claim. Final payment shall be made by March 31 of the ensuing years.

Provided that if any year the number of claims under Rule 4.1 is such that sum payable under Rule 4.1 cannot be paid out of the Security Fund in the year to which the claim relates, the final amount to be paid shall be determined by the process of ratable distribution.

Provided further that if an Advocate has received payment on account of incapacity his family or nominee shall not be entitled to further payment on account of death.

4.3 On the death of an advocate the amount to be paid out of the Security Funds shall be paid to such member or members of his family as he might have nominated, in full or in the shares specified by him at the time of making the nomination.

4.4 Where no valid nomination made by the Advocate subsists at the time of his death, the payment from the Security fund shall be made for the maintenance and benefit of such member of the family as may be recommended by Committee and approved by the Bar Council, in the following manner.

- a) if the members of the family of the deceased advocate agree to nominate any one of them to receive the payment the payment shall be made to that member and
- b) if there is no such agreement, the payment shall be made to such person as may be considered fit by the committee and approved by the Bar Council.

4.5 In case of dispute about the date of birth of an advocate, the decision of the Bar Council thereon shall be final.

4.6 The Bar Council shall at least once a year examine the finance of the Security Fund and as a result of such examination may increase for decrease the contribution payable under Rule 2.2, or may increase the amount payable under Rule 1.

4.7 As a result of the examination under the Rule 5.6, the Bar Council may refund to an Advocate attaining the age of 65 years the whole or part of the contribution made to the Security Fund by him or any additional amount to be determined by the Bar Council; provided that no refund shall be made of contributions made during the period ending December 31 of the concurred year.

4.8 If an Advocate who has joined any other business, vocation, profession or Employment of any kind shall cease to be the member of benevolent and Relief fund under these rules or any other rules of Bar Council made from time to time. He shall only be entitled to the sum deposited by him in this behalf.

<sup>1</sup>4.9 If an Advocate is default three consecutive installments, he is automatically disentitled for Benevolent fund and relief fund of Bar Council.

<sup>2</sup>4.10 An Advocate who pay installment of Benevolent fund continually/without any default, if died, the continue installment if less than 50% of total; policy amount his family is entitled for 50% of total policy. If the continue installment paid by deceased Advocate more than 50% of total

---

1. Added through amenity in rules Notification dated 20.01.2017.

2. Added through amenity in rules Notification dated 20.01.2017.

policy. His family is entitled for full compensation amount as provided in the policy.

#### **CHAPTER IV**

##### **ADVOCATES (RELIEF) BENEVOLENT FUND**

5.1 An application for payment out of the Relief Fund recommended by the <sup>1</sup>Member of Bar Council of the relevant District place where the applicant ordinarily practices or by a member of the Bar Council may be made to the committee for the purpose specified in the Act.

5.2 Upon receipt of an application under Rule 5.1, the committee shall, after making such inquiry as it may consider necessary, recommended payment of such sum as it thinks fit out of the Relief Fund either in lump sum or in periodic installments, payments shall be made after the approval of the Bar Council.

Provided that in hardship cases payment of Rs. <sup>2</sup>1,50,000/- may be made by the committee without obtaining prior approval of the Bar Council.

5.3 Subject to availability of fund no Advocate shall be paid more than Rs. 3000/- under Chapter V:

Provided that the Bar Council may, under special circumstances, allow payment of an amount not exceeding Rs. <sup>3</sup>(200000/-).

#### **CHAPTER VI**

##### **NOMINATIONS OF BENEFICIARIES FOR THE ADVOCATES (SECURITY) BENEVOLENT FUND**

6.1 Every Advocate may make a nomination conferring on one or more members of his family, the right to receive in the event of his death a specified share from the security fund.

6.2 The advocate may provide in the nomination that in the event of any nominee pre Deceasing the Advocate, he right conferred upon that nominee shall pass to such other member or members of the advocate's family as he may specify in the nomination.

6.3 The nomination is respect of all or any of the nominees shall become void in the event of the happing of any contingency specified therein.

6.4 An advocate may at any time cancel his previous nomination and make a fresh nomination.

6.5 Every nomination made by a advocate shall be authorized by a member of the Bar Council or the president of the Bar Association where the Advocate ordinarily practices.

- 
1. Substituted through amendment in rules Notification dated 29.01.2014.
  2. Substituted through amendment in Rules Notification dated 29.01.2014.
  3. Substituted through amendment in Rules Notification dated 29.01.2014.

**CHAPTER VII  
MISCELLANEOUS**

7.1 Every Advocate shall along with his first contribution due under these Rules make an application for Registration under these Rule in Form "A".

7.2 A Register containing the names of advocate shall be maintained in Form "B".

Provided that the name of an advocate who fails to make his contribution in time shall, pending action under Rule 2.3 be struck off the register and he shall not be entitled to any benefit under these rules.

7.3 A claim under chapter IV shall be in Form "C".

7.4 An application under chapter V shall be in Form "D"

7.5 A nomination, or a fresh nomination under chapter VI shall be in form "e".

**FORM "A"**

**Application for Registration as contributory to the Azad Jammu and Kashmir Benevolent Fund under Rule 7.1**

Name: \_\_\_\_\_

Father's/ Husband's Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date/Year of enrollment as Advocate: \_\_\_\_\_

Date/Year of enrollment as Advocate of High Court: \_\_\_\_\_

Ordinary place of practice: \_\_\_\_\_

Name of Bar Association of which Applicant member: \_\_\_\_\_

Signature \_\_\_\_\_

**FORM "B"**

District: \_\_\_\_\_

Registered No: \_\_\_\_\_

Name of the advocate \_\_\_\_\_

Father's/ Husband's Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date/Year of enrollment as Advocate: \_\_\_\_\_

Date/Year of enrollment as Advocate of High Court: \_\_\_\_\_

Ordinary place of practice: \_\_\_\_\_

Name of Bar Association of which Applicant member: \_\_\_\_\_

Nominee if any: \_\_\_\_\_

Claim under Relief Fund: \_\_\_\_\_

Decision on claim: \_\_\_\_\_

Payment of Security Fund: \_\_\_\_\_

Remarks: \_\_\_\_\_

Particular of Payment

Year

Amount Paid

Initial

### **FORM "C"**

#### **Claim under Chapter IV under Rule.7.4**

Name of Advocate: \_\_\_\_\_

i) Date of death: \_\_\_\_\_

(Attached death certificate attested by the member of Azad Jammu and Kashmir Bar Council/ President Bar Association)

OR

ii) Date of incapacity with particulars: \_\_\_\_\_

(Attached medical certificate of Medical Authority)

Name of Nominee, if any: \_\_\_\_\_

(See Rule 4.3)

If no nominee, name of person to whom payment is to be made: \_\_\_\_\_

(See Rule 4.4)

Name of Applicant: \_\_\_\_\_

### **FORM "D"**

#### **Claim under Chapter V under Rule 7.4**

Name of Advocate: \_\_\_\_\_

Amount of payment sought: \_\_\_\_\_

(See Rule 5.3)

Reason for seeking payment: \_\_\_\_\_

Voluntary contributing made to date, if any: \_\_\_\_\_

(See Rule 2.4(c))

Recommendations of Member Bar Council /  
President of Bar Association: \_\_\_\_\_

(See Rule 5.1)

Signature \_\_\_\_\_

**FROM (E)**

**NOMINATION FORM UNDER RULE 7.5**

Name of Advocate \_\_\_\_\_

Name of Nominee \_\_\_\_\_

Share of Nominee \_\_\_\_\_

Condition if any \_\_\_\_\_

Signature \_\_\_\_\_

**ATTESTED**

Member AJK Bar Council,

Or

President Bar Association.

-----

## **AZAD JAMMU AND KASHMIR ADVOCATES GRATUITY FUND RULES, 1998**

**(Gazette of Azad Jammu & Kashmir, Extra ordinary, 22<sup>nd</sup> April 1999)**

Whereas it is expedient to constitute and establish a fund, to be called the Gratuity Fund for the common benefit of the Azad Jammu and Kashmir Advocates and to provide for subscription thereto, and for the members of its management and regulation.

Now, therefore, the Azad Jammu and Kashmir Bar Council, in exercise of the power conferred under Section 53 of the Legal Practitioner and Bar Council Act, 1995(XXX of 1995), read with Section 62 of the said Act, hereby make the following Rules.

### **Chapter-1**

#### **Preliminary**

1. These Rules shall be called the Azad Jammu and Kashmir Advocate Gratuity fund Rules, 1998.

2. These Rules shall come into force at once.

3. In these Rules, unless there is anything repugnant in the subject or context:

(a) "Act" means the Azad Jammu and Kashmir Bar Council Act 1995 (XXX of 1995);

(b) "Advocate" means an Advocate whose name is borne out on the Rolls of Azad Jammu and Kashmir Bar Council and the Register maintained under these Rules;

(c) "Bar Council" means the Azad Jammu and Kashmir Bar Council;

(d) "Committee" means the Gratuity Fund Committee.

(e) "Chairman" means Chairman of the Gratuity Fund Committee.

(f) "Contribution" means contribution, as provided under these Rules;

(g) "Form" means the form appended to the Rules;

(h) "Rules" means the Azad Jammu and Kashmir Advocate Gratuity Fund Rule; and

(i) "Vice Chairman" means the Vice Chairman of the Bar Council;

4. The terms, word and phrases, not defined herein shall, wherever the context so permits, have the same meaning as is assigned to them under the Act.

**Chapter-II**

**Constitution of the Fund**

5. There shall be constituted a Fund, hereinafter referred to as the Gratuity Fund.

6. Every Advocate born on the rolls of the Azad Jammu and Kashmir Bar Council shall make contribution to the Gratuity Fund in the following manner:

- i) An advocate below the age of thirty (30) years, shall pay Rs. 2000/- or Rs. 4000/- in lump sum
- ii) An advocate above the age of 30 years shall pay Rs. 4000/- or Rs. 8000/- in lump sum and
- iii). An advocate may at any time contribute Rs. 13000/-

7. To the Gratuity Fund shall be paid:-

- a) All sums paid by the Advocate as contribution to the Fund; and
- b) All grants made by the Government, Council autonomous bodies, organization or other authorities and the donations made by the Advocates in addition to their contributions.

8. The amount credited to the fund shall be utilized for payment of the amounts under the Rules, meeting the expenditure incurred by the Bar Council and the Committee for management of the Fund, the purpose authorized by the Act and the Rules, and other payment and expenses authorized by the Bar Council.

**Chapter-III**

**Accounts and Audit**

9. The fund shall be managed by the Committee which shall function under the supervision and control of the Bar Council.

10. The accounts of the Gratuity Fund shall be separately maintained in a cash book to be maintained in the manner provided by the Azad Jammu and Kashmir Legal Practitioners and Bar Council Rules, 1998.

11. The fund shall be kept in such bank or invested in such securities or in such other manner as may be approved by the Bar Council.

12. The Bank account shall be operated by the Vice Chairman and the Chairman of the Committee, jointly.

13. The accounts shall be audited in a manner prescribed by the Azad Jammu and Kashmir Legal Practitioner and Bar Council Rules, 1998.

14. The audited annual statement of accounts of the Fund shall be laid before the first meeting of the Bar Council held after 1st March of every year.

Provided that the Bar Council may examine the accounts at any time it deems fit. A summary of such statements may be sent to every recognized Bar Association in the Azad Jammu and Kashmir.

#### **Chapter IV**

#### **Gratuity Fund**

15. Advocate who has made contribution to the Gratuity Fund, shall be entitled to following payments.
  - (i) An Advocate, who makes contribution of Rs. 2000/- below the age of 30 years, shall be paid rupees one lac on completion of 30 years from the date of payments of such contribution;
  - (ii) An Advocate who makes the contribution of Rs. 4000/- above the age of 30 years shall be paid rupees one lac on completion of 25 years from the date of payment of such contribution;
  - (iii) An Advocate who makes contribution of Rs. 4000/- below the age of 30 years shall be paid rupees one lac on completion of 25 years, from the date of payment of such contribution;
  - (iv) An Advocate who makes contribution of Rs. 8000/- above the age of 30 years, shall be paid rupees two lac on completion of 25 years from the date of payment of such completion; and
  - (v) An Advocate who makes the contribution of Rs. 13000/- shall be paid rupees one lac on completion of 15 years from the date of payment of such contribution;

Provided that if an Advocate, who has made the contribution under Rule. 6, dies before the maturity date, his nominee or legal heirs shall be paid the full amount of contribution to the Nominee/ Nominee of the Advocate at the time of death.

16. If in the event of unforeseen eventuality, the income occurred from the investment of fund is reduced or enhanced, the payment Provided under the Rules shall be reduced or enhanced in accordance with such reduction or enhancement in gratuity to the Fund.

17. Every Advocate shall, along with his contribution due under these Rules, make an application for his registration under these Rules in Form I and shall also nominate the nominee/ nominees in case of his death to receive the gratuity.”

18. A register containing the names of the Advocate shall be maintained in Form-II.

19. Every nomination or fresh nomination shall be made in Form-III.

- 20. Claim under Chapter-IV shall be made in Form-IV.
- 21. The Decision of the Bar Council on the interpretation of these Rules shall be final.
- 22. An Advocate, who makes contribution under Rule 6 of Chapter-II, if gets his name removed from the rolls of the Bar Council, shall be considered as if he is on the rolls of the Bar Council when the payment of the gratuity becomes due.
- 23. On the date, when the payment of the gratuity becomes due the Office shall itself intimate the date to the Advocate that his claim has become due.

**APPLICATION FOR REGISTRATION AS CONTRIBUTORY  
TO THE AZAD JAMMU AND KASHMIR ADVOCATES**

**Gratuity Fund under Rule 17**

To Mature on \_\_\_\_\_

Registration No \_\_\_\_\_

Name \_\_\_\_\_

Fathers/ Husband Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Present Address: \_\_\_\_\_

Date/Years of enrollment as Advocate: \_\_\_\_\_

Date/Year of enrollment as an Advocate of High Court: \_\_\_\_\_

Ordinary Place of practice: \_\_\_\_\_

Name of Bar Association of which applicant is member: \_\_\_\_\_

Name of the Nominee: \_\_\_\_\_

Share of the Nominee, if more than one: \_\_\_\_\_

Date of Application: \_\_\_\_\_ Amount Paid \_\_\_\_\_

Date of Payment: \_\_\_\_\_ Deposit Slip No: \_\_\_\_\_

Bank Name: \_\_\_\_\_ Branch: \_\_\_\_\_

Signature \_\_\_\_\_

**ATTESTED**

Attested Member AJ&K Bar Council/  
President Bar Association

Note: The applicant will be informed of the date of maturity at the given address. Change of address will be intimated to the Bar Council with in three months.

**FORM II**

**Register of Gratuity Fund under Rule -18**

DISTRICT \_\_\_\_\_  
Registered No \_\_\_\_\_  
Name \_\_\_\_\_  
Father's/ husband'S Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
Present Address: \_\_\_\_\_  
Date/Years of enrollment as Advocate: \_\_\_\_\_  
Date/Year of enrollment as an Advocate of High Court: \_\_\_\_\_  
  
Ordinary Place of practice: \_\_\_\_\_  
Name of Bar Association of which applicant is member: \_\_\_\_\_  
Name of the Nominee: \_\_\_\_\_  
Share of the Nominee, if more than one: \_\_\_\_\_  
Date of Application: \_\_\_\_\_ Amount Paid \_\_\_\_\_  
Date of Payment: \_\_\_\_\_ Deposit Slip No: \_\_\_\_\_  
Bank Name: \_\_\_\_\_ Branch \_\_\_\_\_  
Amount Invested on: \_\_\_\_\_ With \_\_\_\_\_

-----

## AZAD JAMMU AND KASHMIR BAR COUNCIL MUZAFFARABAD

### SAFE FUTURE SCHEME

Keeping in view the prevailing Circumstances and the services being rendered by the advocates in the society, according to their status, the Bar council sanctioned a scheme prepared, proposed and presented by Mr. Muhammad yaqoob Khan Mughal Advocate Member AJ&K bar Council in his capacity as Chairman AJ&K Bar Council Benevolent Fund Committee, in its meeting held on 31<sup>st</sup> August 2008 while exercising the powers conferred under section 53 of Azad Jammu & Kashmir Legal practitioners and Bar Council Act 1995.

The Rules already framed for the purpose shall apply and in addition to the rules the mode of payment and other conditions shall be as follows:-

Age	Annual Installment	Payment In lump sum	Payment on Death or Retirement
25 to 30 Years	3500/-	50,000/-	100,0000/-
30t to 40 Years	4000/-	55,000/-	//
40 to 50 Years	5000/-	60,000/-	//
50 to 55 Years	5500/-	65,000/-	//
55 to 60 Years	6500/-	70,000/-	//

#### **Conditions**

- (1) That the Members who want to pay the participation in annual installments, shall deposit the same before 31<sup>st</sup> December of every calendar year.
- (2) The Members who opt to deposit in lump sum, shall deposit the same before 30-09-2010 or before the extended date.
- (3) The Members who will apply for fresh enrollment shall adopt any one mode for payment prescribed above.
- (4) The Members who have already availed the benefites by depositing the amount, their amount shall be adjusted.
- (5) The Scheme shall take affect after one years of its closing.
- (6) After closing of scheme the fresh members shall be entitled to participate in the scheme and the existing members shall not be allowed lateron.
- (7) A retired civil servant, removed, dismissed from civil service shall not be entitled to participate in the scheme.

- (8) That the Council shall pay the amount incase of death or retirement. The maturity period for retirement shall be 15<sup>th</sup> years.
- (9) The Members whose age is above 56 upto 60 years their maturity period incase of death or retirement shall be the years and they will be paid half of the amount i .e Rs.500.000
- (10) All the Conditions laid down in the existing rules shall apply in addition to these conditions.

---sd---

**MUHAMMAD YAQOOB KHAN MUGHAL**  
Advocate Supreme Court  
Chairman Benevolent Fun Committee.

-----

**REGISTERED L No. 1176**

**“THE GAZETTE OF AZAD JAMMU AND KASHMIR” EXTRA  
ORDINARY GAZETTE PUBLISHED  
BY AUTHORITY**

<b>VOL. XLV</b>	<b>Muzaffarabad Dated 1<sup>st</sup> July, 1999</b>	<b>NO.89</b>
-----------------	---	--------------

**AZAD JAMMU & KASHMIR BAR COUNCIL EMPLOYEES  
SERVICE RULES, 1999**

**(Gazette of Azad Jammu & Kashmir, Extra Ordinary, 1<sup>st</sup> July , 1999**

**No. F.C, 392/1999**

(See Section 53 of the Act)

In. exercise of the powers conferred by Section 53 of the Legal Practitioners & Bar Councils (Act XXX of 1995), the Azad Jammu & Kashmir Bar Council is pleased to make the following Rules:-

**CHAPTER-I**

**GENERAL**

1.1 These Rules may be called the Azad Jammu & Kashmir Bar Council, Bar Council Employees Service Rules, 1999.

1.2 They shall come into force with effect from 1-1-1998, except Chapter-VIII which shall come into force from 1-1-2000.

1.3 In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to said.

- (a) “Appointing authority”, means the authority enumerated as such under Rule 73 of the Azad Jammu & Kashmir Legal Practitioners Bar Council Rules, 1998
- (b) “Bar Council”, means the Azad Jammu & Kashmir Bar Council;
- (c) “Executive Committee”, means the Executive Committee of the Azad Jammu & Kashmir Bar Council;
- (d) “Rules”, means the Azad Jammu & Kashmir Legal Practitioners Bar Council Rules, 1998.
- (e) “Chairman”, means the Chairman of the Executive Committee;
- (f) “Employee”, means an employee of Azad Jammu & Kashmir Bar Council;
- (g) “Appendix”, means the appendix to these Rules;

- (h) Terms not defined shall have the meanings assigned to them under the Act and Rules.
- (i) <sup>1</sup>Appointing authority means the Executive committee of the Bar Council.
- (j) <sup>2</sup>Accused means an employee of the Bar Council against whom action is taken under the rules.
- (k) <sup>3</sup>Secretary means the Secretary of Bar Council or any person authorized by the Executive Committee of Bar Council to perform the functions and duties of the Secretary.

## **CHAPTER-II**

### **REQUIREMENT QUALIFICATION & RETIREMENTS**

2.1 The qualifications required for the various categories of posts, and the pay scales shall be as specified in the Appendix,

Proviso <sup>4</sup>Deleted.

Proviso <sup>5</sup>Deleted.

2.2 All employees of the Azad Jammu & Kashmir Bar Council appointed by the Chairman of Azad Jammu & Kashmir Bar Council immediately before coming into force of these Rules, they shall be deemed to have been appointed under these Rules and the AJ&K Legal Practitioners Bar Council Rules, 1998 or as the case may be.

2.3 The employee shall be given preference In the matter of appointment, but in the event of non-availability of a suitable person, the vacancy shall be filled up by direct recruitment after public advertisement.

2.4 Promotion shall be strictly on the basis of seniority-cum-fitness efficiency.

2.5 No person, who has been dismissed from service or convicted of an offence involving moral turpitude, shall be eligible for the appointment.

2.6 The minimum age for employment shall be 18 years and maximum 35 years.

2.7 The retirement age of an employee shall be (60) years.

Provided that the Bar Council may retire an employee earlier on the ground of his being found medically unfit to perform his duties.

- 
1. Added by amendment Notification dated 29.01.2014.
  2. Added by amendment Notification dated 29.01.2014.
  3. Added by amendment Notification dated 29.01.2014.
  4. Deleted by amendment Notification dated 29.01.2014.
  5. Deleted by amendment Notification dated 29.01.2014.

**CHAPTER-III**

**CONDITION OF SERVICE**

3.1 A person joining on initial appointment shall remain on Probation for a period of one year and an employee, who is promoted, shall remain on probation for six months.

3.2 If the work or the conduct of an employee during the period of probation has been unsatisfactory, the appointing authority, not with standing, that the period of probation has not expired, may, if he has been appointed by initial recruitment, dispense with his service, and if he has been appointed by promotion, revert him to his substantive post.

3.3 On completion of the period of probation, the appointing authority may confirm the employee in the appointment, or if his work or conduct has, in the opinion of the appointing authority not been satisfactory:-

- (a) In case he has been appointed by initial recruitment, dispense with his service;
- (b) In case he has been appointed by promotion, revert him to his substantive post;
- (c) Extended the period of probation by a period not exceeding one year in case of initial recruitment, and six months in case of appointment by promotion, and during or on the expiry of such period, pass such orders as it could have passed during or on the expiry of the initial probationary period:

Provided that if no orders have been made by the day following the completion of initial probationary period, the period of probation shall be deemed to have been extended.

Provided further that if no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended.

3.4 The seniority inter se of the employee in a grade shall be determined with reference to their dates of appointments to the grade.

Provided that if the date of appointment of more than one employee is same, the seniority shall be determined by the date of birth.

**CHAPTER-IV**

**CONTRIBUTORY PROVIDENT FUND**

4.1 There shall be a contributory provident fund, to be called the Azad Jammu and Kashmir Employees Contributory Fund, hereinafter referred to as the Fund.

4.2 Each employee shall compulsorily contribute to the Fund at the rate of Rs. 12..50% percent, per month, of his basic pay, and the Bar

Council shall also, made an equal contribution to the account of such employee:

Provided that employee shall not be entitled to receive the contribution from the Bar Council unless he has put in five years continuous service:

Provided further that the employee, who have completed five years service at the time of the Commencement of these Rules, shall be entitled to payment of the contribution of the Bar Council under rule 4.2.

4.3 An employee shall be entitled to payment of the amount due to him under Rule 4.2, on his leaving employment or on retirement, and in the event of the death of an employee, the amount shall be paid to such person/persons as may have been nominated by him to receive the amount.

Provided that no employee who is dismissed from Service, shall be entitled to receive the contribution of the Bar Council under Rule 4.2.

4.4 At the recommendations of the appointing authority, and subject to the discretion of the Bar Council, an advance from the contributory provident fund, may be granted to an employee having put in:-

- (i) Less than five years continuous service, up to the amount contributed by him to the C.P. Fund
- (ii) More than five years continuous service, up to the amount to be determine by the appointing authority out of the total • contribution,

For the following purpose:-

- (a) To pay expenditure incurred in connection with the illness of the employee, or any person actually dependent bn him;
- (b) To pay expenditure in connection with the marriage of the employee, or any person actually dependent on him;
- (c) To pay expenditure on building or purchasing of house or site for a house;
- (d) To pay expenditure in connection with the performance of Hajj; and
- (e) Such emergency, which the Bar Council may deem fit.

## **CHAPTER-V**

### **LEAVE**

5.1 Each employee shall be entitled to avail the following leave;

- (a) Casual leave not to exceed 25 days in a calendar year to be allowed for good cause only.

Provided that no employee shall be allowed casual leave for more than six consecutive days at a time.

- (b) Earned leave, An employee of the Azad Jammu and Kashmir Bar Council shall earn leave to be calculated at the rate of four days of every calendar month of the period of duty rendered and credited to the leave accounts. Duty period of 15 days or less in a calendar month shall be ignored and of more than 15 days shall be treated as a full calendar month for the purpose. There shall be no maximum limit on the accumulation of such leave.
- (c) Grant of Leave, The maximum period of leave on full salary that may be granted at one time shall be as follows.
  - i) Without medical certificate 120days
  - ii) With medical certificate 180days
  - iii) On medical certificate from leave account in entire service 365days

5.2 'Extraordinary Leave (leave without pay) It may be granted on any ground up to a maximum period of five years at time, provided the employee to whom such leave is granted has been in continuous service for a period of not less than ten years; in case an employee has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the appointing authority.

5.3 Leave preparatory to Retirement. Subject to availability, the maximum period, which an employee may be granted as a leave preparatory to retirement, shall be 365 days, on payment of full salary.

5.4 Encashment of Refused Leave- If in case of retirement on attaining the age of superannuation, an employee, for reasons of public service be granted leave preparatory to retirement, duly applied for in sufficient time, he will in lieu thereof be granted lump sum leave salary, for the leave refused to him subject to a maximum of 180 days leave on full salary.

5.5 In Service Death, In case an employee dies while in service lump sum payment equal to full salary of the accumulated earned leave available at the time of death of employee, his family shall be paid full salary up to 180 days.

## **CHAPTER-VI**

### **DISCIPLINARY ACTION**

- 6.1 When an employee, in the opinion of the Appointing Authority.
- (a) Is inefficient, or has ceased to be efficient.
  - (b) is guilty of misconduct; or
  - (c) is negligent,

The appointing authority may impose on him one of more penalties.

**Explanation:** "Misconduct" includes conduct prejudicial to good or office discipline or unbecoming of an employee, and gentleman or any act prejudicial to the cause, and purpose of Bar Council, and legal profession.

- 6.2 The following are the penalties, namely:-
- (i) Warning;
  - (ii) Censure;
  - (iii) Withholding for a specific period increment or promotion;
  - (iv) Recovery from pay or other emoluments, of the whole or any part of any pecuniary loss caused to the Bar Council by negligence or breach of order;
  - v) Reversion to a lower post;
  - vi) Removal from service; and
  - vii) Dismissal from service.

**Explanation:** In this Rule, removal from Service or dismissal from service does not include the discharge of a person appointed on probation during the period of probation or appointed under a contract to hold temporary appointment on the expiration of period of appointment or in accordance with the terms of his contract.

6.3 When an employee is to be proceeded against under clause(a) of Rule 6.1 and the Appointing Authority is of the opinion that the allegations are established would call for any one or more penalties provided in clauses (i), (ii) and (iii) of Rule 6.2, the Appointing Authority shall make the allegations against an employee known to him in writing and call upon him to explain his conduct within ten days of receipt thereof and consider the explanation of the employee, if any, submitted within the specified time and after giving him an opportunity of being heard in person, may award any one or more of the penalties specified in Rule (i), (ii) and (iii).

6.4 When an employee is to be proceeded against, under Clause (b) or (c) of Rule 6.1, and the Appointing Authority is of the opinion that the allegations are established, would call for a penalty provided in clauses (iv) to (vii) of Rule 6.2, the following shall be observed namely:-

- (i) The appointing Authority shall frame a charge and communicate it to employee together there with the statement of allegations and any other circumstances, which proposed to be taken into consideration.
- (ii) The Appointing Authority shall require the employee to put in a written defence within ten days from the day the charge has been communicated to him, stating at the same time whether he desires to be heard in person, or not;
- (iii) If the written defence submitted by the employee is found to be unsatisfactory, the Appointing Authority shall appoint an Enquiry Officer to hold an enquiry into the allegations;

- (iv) The Enquiry Officer, shall, after the enquiry in which the employee shall be entitled to be heard, submit his report within two months of the commencement of his inquiry to the Appointing Authority within seven days of the conclusion of the enquiry.
- (v) The Appointing Authority shall consider the report, and if, upon such consideration, it is of the opinion that a penalty should be imposed upon the employee, it shall provisionally determine the penalty to be imposed and shall so inform the employee, and supply him with a copy of the report and call upon him to show cause within seven days of the communication thereof why the penalty proposed should not be imposed.
- (vi) The Appointing Authority shall take into consideration any cause shown by the employee, and pass a final order thereafter.

6.5 An employee against whom action is proposed to be taken under Clause (b) and (c) of Rule 6.1, may be placed under suspension, provided that he shall be subjected to such orders in relation to attendance or non-attendance of the office as may be made by the Appointing Authority.

6.6 In the event Of the employee being exonerated of the charge, he shall be entitled to payment of the salary for the period of suspensions in addition to such allowance to which he is entitled, accounting for any payments made during suspension.

6.7 An employee, on whom a penalty is imposed, shall have the right of appeal to the Bar Council, where the Appointing Authority is other than the Bar Council.

## **CHAPTER VII ALLOWANCES**

7.1 <sup>1</sup>The employees of the Bar Council shall be entitled to such salaries, allowances and other emoluments as prescribed by the Bar Council:

Provided that the Bar Council may from time to time allow or withdraw allowances to the employees as it deems appropriate.

7.2 The employee shall be eligible to T.A/D.A <sup>2</sup>pay and allowances as admissible from time to time to Government servants in the comparative pay scales.

7.3 All the employees of the Bar Council shall be the whole time employees. <sup>3</sup>No employee can refuse to perform duties after office hours.

7.4 <sup>4</sup>Deleted.

---

1. Substituted by amendment in rules Notification dated 29.01.2014.  
2. Added amendment Notification dated 29.01.2014.  
3. Added vide amendment in rules Notification dated 29.01.2014.  
4. Deleted in rules by Notification dated 29.01.2014.

## CHAPTER-VIII

### GRATUITY

8.1. **Gratuity.** Gratuity is the recognition of the services rendered to the Azad Jammu and Kashmir Bar Council over a long period by a staff member.

8.2 **Eligibility.** All categories of staff, fulfilling the conditions mentioned hereunder shall be eligible for payment of Gratuity.

8.3 **Conditions of Eligibility:-**

- (i) The member of staff must have put in at least 10 years service with the AJ&K Bar Council, including the period of probation, if any;
- (ii) He must have retired on reaching the age of retirement prescribed by the AJ&K Bar Council, which at present is 60 years:&
- (iii) Gratuity on the same basis is also payable to employees who resign after completion of 10 years of continuous service. Provided that if he dies, while in the service of the AJ&K Bar Council, before qualifying the conditions under clause (i) above, his nominee/nominees shall be paid gratuity at the rate of two months basic pay salary for each completed year of service put in by him. provided further that the Appointing Authority, under special circumstances, may waive the conditions of eligibility, and allow payment of two months salary each for the years of service put by an employee.

8.4 **Qualification:** The following categories of staff shall not be eligible for payment of any gratuity:-

- (i) Those who resign from the service of the AJ&K Bar Council before completing the service of 10 years; and
- (ii) Those who are dismissed.

8.5 **Computation of amount of Gratuity:** For calculating the Gratuity payable to a member of the staff, only the monthly basic salary, last drawn by the employee on the date of his retirement or, resignation or death and excluding all allowances, benefits and prerequisites, shall be taken into consideration.

8.6 **Computation of period of service:** For the purpose of calculating the period of 10 years service with the Azad Jammu & Kashmir Bar Council, only continuous 10 years shall be taken into consideration.

8.7 **Payment of Gratuity to the employee/nominee:**

- i) Subject to the eligibility, the gratuity shall be paid to the employee computed the rate of two months salary last drawn, for the number of years of service put in by him, &

- ii) If an employee is eligible for payment of gratuity under these rules, dies in the service of the AJ&K Bar Council, or after the acceptance of resignation or retirement but before payment of the gratuity amount to him, such amount shall be paid to his nominee/nominees.

Any payment effected by the Azad Jammu & Kashmir Bar Council in accordance with the provisions of this Rule, shall be given complete discharge to it in respect thereof.

**8.8 Set-Off AJ&K Bar Council's Claim Against Gratuity:** In case of members of staff who are eligible for payment of gratuity according to the Rules, and who owe any money to the AJ&K the Bar Council, the Council shall be entitled, without being bound to do so, to set-off and appropriate the amount of gratuity against the such dues owing to the Council or such position thereof as may be sufficient to meet or satisfy the same.

8.9 These rules, without modifications, or amendments made from time to time, and incorporation herein by the AJ&K Bar Council, on being circulated amongst the employees of the Council, shall be acceptable to and binding on all the employees of the Council.

**By Order of AJ&K Bar Council**  
**--sd--**  
**Secretary AJ&K Bar Council**

-----

## AZAD JAMMU & KASHMIR BAR COUNCIL MUZAFFARABAD

### NOTIFICATION

Dated: 29-12-2017

**No. AJ&K Bar Council/2311/2017.** In exercise of power conferred under Section 53 of Azad Jammu & Kashmir Legal Practitioner and Bar Council Act, 1995, the Bar Council of Azad Jammu & Kashmir has been pleased to approved the following amendments proposed by the Executive Committee and Concurred by the special Committee for amendment the Azad Jammu and Kashmir Bar Council Employees Service Rules, 1999. In its meeting held on 16-09-2017 in DE PAPA Hotel Islamabad, as follows:--

#### Appendix To Rule, 2.1 The Appendix is amended as Under:

Sr.	Name of the post	Minimum qualification	Mode of recruitment	Age	Pay Scale	Appointing authority
1	Secretary	B.A.LL.B	I) By Promotion from amongst employees having 10 years Service in BPS.16 having academic Qualification as per Column 3  II) By initial recruitment from Advocates having 5 years practice.  III) (By appointment of suitable person on contract basis.	I) 18 Year to 40 years  II) for contract 18 to 65 years	NBPS-17 25440-64040 (2300)	Executive Committee
2	Superintendent	B.A.	I) (By Initial recruitment.  II) (By appointment of suitable person on contract basis.	I) 18 Year to 40 years  II) for contract 18 to 65 Years	NBPS-16 15830-54280 (1520)	Executive Committee
3	Accountant	B.A./B.Com	I) (By Initial recruitment.  II) (By appointment of suitable person on contract basis.	I) 18 Year to 40 years  II) for contract 18 to 65 Years	NBPS-16 15830-54280 (1520)	Executive Committee

4	Peon/Chowkidar	Literate	I) (By Initial recruitment. II) (By appointment of suitable person on contract basis.	I) 18 Year to 40 years II) for contract 18 to 65 Years	NBPS-2 7790-16040 (370)	Executive Committee
---	----------------	----------	--	---	-------------------------------	---------------------

Special Committee appointed by the Bar Council for amendment of above mention rules, Appendix.

Sd/-

(Khalid Yousaf Chaudhary)  
Chairman Executive Committee

Sd/-

1- Mir Sharafat Hussain Advocate  
Chairman  
Legal Education Committee  
Committee

Sd/-

Amjad Ali Khan Advocate  
Chairman  
Law Reforms & Rules

**Repealed Appendix To Rule 2.1 With Amended Azad Jammu And Kashmir Bar Council Employees Rules 1999 Which Was Substituted Vide Amendment Notification Dated 29.01.2014 (Repelled Now Vide Notification Dated 16.09.2017 & Not Existing Now)**

S.#	Name of post	Minimum qualification	Mode of recruitment	Pay scale	Appointing authority
1.	Secretary	Law Graduate	i) By promotion from amongst employee having 10 years service in Grade-II having academic qualification as mentioned in column No.3 ii) by initial recruitment from advocate having 5 years practice as an Advocate of Bar council iii) <sup>1</sup> by appointing on contract basis from suitable person	Grade-I Rs.50000/- per month 10% annual increment subject to approval of B/Council	Executive Committee
2.	Superintendent	Graduate	By initial recruitment	Grade-II Rs.35000/- pm 10% annual increment subject to approval of B/Council	Executive Committee
3.	Accountant	Graduate	By initial recruitment	Grade-II Rs.35000/- pm 10% annual increment subject to approval of B/Council	Executive Committee
4.	Naib Qasid/Chowkidar	Literate	By initial recruitment	Grade-IV Rs.22000/- pm 10% annual increment subject to approval of B/Council	

Sd/-

**Kh. Manzoor Qadir**  
Chairman Executive Committee

1. Added by amendment in Rules Notification dated 09.10.2017.

**REGISTERED L No. 1176**

**“THE GAZETTE OF AZAD JAMMU AND KASHMIR”  
EXTRA ORDINARY GAZETTE PUBLISHED  
BY AUTHORITY**

<b>VOL. XLVII</b>	<b>Muzaffarabad Dated 31st December 2001.</b>	<b>NO. 301</b>
-------------------	---	----------------

REGISTERED L No. 1176

**AZAD JAMMU & KASHMIR BAR COUNCIL  
(MEMORANDUM OF ASSOCIATIONS) RULES,  
2001**

(Gazette of Azad Jammu & Kashmir, Extra ordinary, 31” December, 2001)

**No. Rule/F-4/2001 Dated 7th April, 2001**

Whereas it is expedient to provide for regulating the business of Bar Associations functioning throughout the Azad Jammu and Kashmir to ensure their efficient performance and provide the rules of procedure with respect to elections., finance and functions of the office bearers of the said Bar Associations and whereas the circumstances render it necessary to formulate Rules of Business of Bar Associations.

Therefore, in exercise of powers conferred by section 53 of the Azad Jammu and Kashmir Legal Practitioners and Bar Council Act (XXX of 1995) and all other enabling provisions in this behalf the Azad Jammu and Kashmir Bar Council hereby makes and notifies the following rules:-

- 1 (a) These rules shall be called “The Azad Jammu and Kashmir Bar Council (Memorandum of Associations) Rules, 2001.
- (b) These rules shall come into force with effect from 15th October, 2001.
- (c) <sup>1</sup>These rules shall apply to all the Bar Associations of Azad Jammu and Kashmir including Bar Association Supreme Court Bar Associations Azad Jammu and Kashmir.
- (d) These rules shall supersede all existing Constitutions of the Bar Associations and nothing in these rules shall affect any election held. Office bearers of any Bar Associations elected in pursuance of constitution of respective Bar Association, appointment made, everything done, all actions taken, notification issued orders made, proceedings initiated, jurisdiction or power

---

1. Substituted by amendment rules notification dated 29.01.2014.

exercised under the previous Constitution or any such Bar Association. The provisions of these rules shall have effect <sup>1</sup>(overriding effect) to the provisions of the Constitution of any existing Bar Association and any provision of the said Constitution in force before the commencement of these rules shall in so far as such Constitution are not inconsistent with the provision of these rules, shall be deemed to have been replaced.

2 An Association of lawyers at each district, sub-divisional headquarter, principal seat of the Supreme Court of Azad Jammu & Kashmir and the High Court and the Circuit Benches of the Supreme Court and the High Court shall be known to be a Bar Association in the name of the respective district, sub-divisional headquarter and principal seat of the Supreme Court and the High Court including their Circuits Benches.

3 **Objects:** The objects of a Bar Association shall be:-

- (a) Protect and safeguard the rights, interest and privileges of the Members;
- (b) Strive to remove any difficulty faced by the legal profession;
- (c) Carry out the provision of Azad Jammu & Kashmir Bar Council Act, 1995 and all the rules framed by the Bar Council including any instruction or decision of the Azad Jammu & Kashmir Bar Council made from time to time, and
- (d) Struggle for the civic, liberties, human rights and strive to take immediate action for upholding the rule of law;

4. **Duties of the lawyers/Members:** The .duties of the lawyers/members shall be

- (i) To act without fear or favour for just cause of his client;
- (ii) To devote himself to the cause of his client diligently and with assiduous application of his mind;
- (iii) Not to accept or resort to any favour at the cost of his integrity, morality and propriety;
- (iv) To fight against corruption whenever found and against illegal favour from whatever source it comes or is found; and
- (v) To appoint as Clerk/Munshi a person of good repute and not previously convicted to offence involving moral turpitude having academic qualification; not less than matriculate.
- (vi) Contribute the amount of benevolent fund and Advocate Gratuity Fund in accordance with Azad Jammu and Kashmir. Advocate Benevolent Fund Rules 1998 and The Azad Jammu and Kashmir Advocate Gratuity Funds Rules 1998.

---

1. Inserted through Amendment Notification dated 21.10.2015.

**5. In this Memorandum of Association, unless there is anything repugnant:**

- (a) "Advocate" means and advocate whose name is borne on the Rolls of Advocates maintained by the Azad Jammu and Kashmir Bar Council including all persons who were, as Advocates, entitled to practice in the subordinate Courts, High Courts and the Supreme Court immediately before the commencement of the 'Azad Jammu and Kashmir legal practitioners and Bar Council Act," 1995.
- (b) "Association" .means the Bar Association as defined in rule, 1 (c) recognized by the Bar Council in accordance with the Azad Jammu and Kashmir Bar Association (Recognition) Rules, 2001.
- (c) "Act" means the Azad Jammu and Kashmir Legal practitioners and Bar Council Act, 1995.
- (d) "Bar Council" means the Azad Jammu and Kashmir Bar Council constituted under the Azad Jammu and Kashmir Bar Council Act 1995 and the rules framed hereunder.
- (e) "Committee" means a Committee constituted by the Bar Association or by the President in accordance with the provisions of Memorandum of Association.
- (f) "Eligible Voter" means an advocate whose name for the time being appears on the Rolls of the Bar Association and he fulfilled the conditions laid down under the Act and rules framed hereunder and not debarred from use of Horary books or declared as defaulter.
- (g) <sup>1</sup>"Regular Member" means, a member of the District, Sub-divisional Bar Association, the Supreme Court Bar Association and the High Court Bar Association who is validly entitled to participate in the affairs of the Bar Association.
- <sup>2</sup>gg) "visitor Member" means a member of another Bar Association visiting the Bar Association casually to avail the facilities of bar association.
- (h) "Office Bearer", means president, Vice President, Secretary, Joint Secretary, Finance Secretary, Secretary Library or librarian, auditor and members of the Executive Committee, as may be elected under the memorandum of Association or any other persons to whom all or any of the functions of the office bearer for the time being assigned by the Executive Committee or the Bar Association.

---

1. Word regular inserted vide notification dated 29.01.2014.

2. Added through amendment in rules notification dated 29.01.2014.

- (i) "Election Board", means a Board Constituted by the Bar Association consisting of three senior members. One of them being Chairman appointed by the President.

Provided in case of failure to constitute an Election Board, the Executive Committee of the Bar Council shall constitute an Election Board for the conduct of Election of the Bar Associations.

- (j) <sup>1</sup>omitted
- (k) "Meeting", means the meeting of the House and of its Committees;
- (l) "Annual Meeting", means a meeting of the house convene for the approval of the annual accounts and reports on the performance of the Associations;
- (m) "Special Meeting", means a meeting to the house convened for special purposes;
- (n) "Emergent Meeting", means a meeting of the house upon the requisition of the members under the Memorandum of Associations; and
- (o) General Meeting; , means a meeting of the house or any of its Committee convened to deal with the ordinary business of the Association or any of its Committee;

6. **Eligibility for Membership:** All advocates on the Rolls of Bar Council as defined in rule 5(a) and are practicing regularly in the district sub-division in the case of District and sub-divisional Bar Association and at the principal seats of the Supreme Court and the High Court including Circuit Benches of the Supreme Court in the case of the Supreme Court Bar Association and the High Court Bar Association shall be eligible to seek membership of the Association. All fresh entrance to the profession shall be deemed to be practicing regularly for the purpose of this rule at the Place which has been declared to be a place of practice at the time of enrollment..

7. **Mode of Admission:** Every Advocate fulfilling the requirement of these rules may apply to the Bar Association concerned for enrollment as member of the said Bar Association on payment

- (a) Rs. 200/- as Admission fee; and
- (b) Rs. 30/- as Monthly subscription by 10th of each month;

8. Application for membership shall be made to the Secretary along with the attested copy of the enrollment certificate and a photograph. The application shall be placed before the Executive Committee, who shall grant membership.

---

1. Through amendment in rules notification dated 18.01.2017.

9. An Application shall not be rejected by the Executive Committee unless the applicant has been given an opportunity of being heard. In case the application is rejected. The executive committee shall record reasons for its rejection and a copy of the order shall immediately be supplied to the applicant. The applicant shall have a right to file an appeal against the order of executive committee before the general house of the Bar Association and the same shall be preferred within 15 days from the date of the communication of such decision.

- (1) Provided that the members of the executive committee shall not participate in the proceedings of the general house of the Bar Association at the hearing of such appeal:

Provided further that the appeal shall be decided by the general house within a period of one month from the date of its receipt

- (2) In case the general house of the Bar Association upholds the decision of the executive committee, the applicant shall have a right to file revision before the Bar Council and the revision shall be heard by its executive committee.

10 By virtue of the membership of Bar Association, every advocate shall be entitled to the privileges and the services including all amenities of bar association.

11 A member of another bar association shall be entitled to all amenities admissible to regular members if he pays Rs. 500/-as admission fee and Rs. 50/-as monthly subscription but he shall not be entitled to exercise right of vote or to contest election or take part, in any manner, whatsoever, in the election of the bar association.

12 **Organizational Structure of the bar Association:** <sup>1</sup>A Bar Association shall consist of president, vice president, Secretary General, Joint Secretary and Members of Executive Committee consisting of at least 5 members.

13 Absence/ illness of a member- no subscription shall be paid by a member who had discontinued practice or was absent from his ordinary place of business for a considerable period provided that an information to this effect was sent to the secretary by or on behalf of such member within three months.

Provided if such information is not received within time prescribed, the member shall automatically cease to be the member

Provided further the removal of membership of an advocate shall be restored by the executive committee subject to payment of the outstanding dues.

14 **Defaulter:** A member, who fails to pay his monthly subscription for three consecutive months shall be served with a notice for

---

1. Substituted through amendment in Rules Notification dated 21.10.2015.

the payment of subscription, in case the members fails to make payment despite the service of the notice, shall after the expiry of the last date of the fourth month, cease to be a member of the association.

Provided that such member may apply for restoration of his membership on making payment of the arrears of subscription due on him in addition thereto such penalty as imposed by the president or Executive Committee and on payment, his member ship shall be restored by the president or the Executive Committee forthwith:

Provided further that if such member does not apply for restoration within two months after he had ceased to be a member, the secretary shall report to the Bar Council recommending removal of his name from the rolls of advocates.

**15 Expulsion from membership:** The general house may expel a member from membership after giving him an opportunity of being heard from the membership of the association on any of the following grounds:-

- (a) He is guilty of misconduct
- (b) His behaviour to all other members is objectionable:
- (c) He acts against the interest of the Association:
- (d) He fails to pay the amount of benevolent fund and advocates gratuity fund to the Bar Council: and
- (e) The Executive Committee shall keep a vigilant eye upon each member and in case in the opinion of the committee, a member is found engaged in any other business, trade or profession even on part time basis and does not hold any brief with him.

Provided that the matter of expulsion shall not be placed before general house unless it has been initiated on the grounds (a)to (C) by not less than 1/3<sup>rd</sup> majority of the total members or 100 members, whichever is the less and expulsion shall be made by 2/3<sup>rd</sup> of the total majority, and in the case grounds (d) and (e) upon an information of the Secretary of Bar Council received by the Bar Association and any member of the Association or public at large respectively.

<sup>1</sup>15-A The Executive committee of the AJ&K Bar Council shall forthwith suspended the membership in the Bar Association of an Advocate or suspend the license of an advocate or cease the status of an office bearer of any Bar Association, if the advocate concerned or office bearer violates the decisions/directions of the AJ&K Bar Council, or impairs the cause of the legal fraternity, or impairs the cause of the Bar Association or misuses his office.

---

1. Added through amendment in rules notification dated 29.01.2014.

<sup>1</sup>15-B An advocate as a matter of right is eligible to appear in Courts wearing Robe in Criminal or Civil litigation pending for or against him.

16. An appeal against the expulsion shall lie to the Executive Committee of Bar Council within period of 30 days.

17. The powers/functions of President Vice President, Secretary, Joint Secretary, Secretary Library.

- (a) The President shall be responsible for ensuring due compliance of the Act, rules framed there under and the memorandum of Associations;
- (b) He shall convene and preside over a Bar Association and the Executive Committee;
- (c) He shall have a right of casting vote;
- (d) He shall, after receiving a complaint from a member about the misbehavior of any of- the functionaries of the subordinates judiciary, personally take up the matter with the authorities to resolve it amicably and if not settled and he is of the opinion that matter shall be placed before the general house for its consideration, he may pass such orders;
- (e) He shall refer a complaint receive by him against a member containing allegations of misconduct to the Executive Committee and if the Executive Committee recommends that the matter needs consideration by the bar Association or the Bar Council, as the case may be, he shall refer the matter to the house or the Bar Council:
- (f) He shall place before the General House a complaint for consideration as to declaring the person complained against to be or not to be a Tout in a special meeting convened for the purpose in compliance to the provisions of the Act and rules framed there under;
- (g) He shall maintain the dignity and prestige of the profession;
- (h) He shall have the right to incur and sanction expenditure up to 5000/- from the funds of the Association and if the expenditure exceeds Rs. 5000/- he shall place the matter before the Executive Committee for its approval;
- (i) He shall convene a meeting of the Executive Committee and an Emergent meeting of the house on the requisition signed by at least 1/10th of the total membership;
- (j) He shall operate the bank account either with Secretary or with any other office bearer authorized by the Resolution of the General House;

---

1. Added through amendment in rules notification dated 29.01.2014.

- (k) He shall exercise control over the employee of the Bar Association;
- (l) He shall have the disciplinary control over the clerks/ Munshis of the members of the Bar Association; •
- (m) He shall satisfy himself of the qualification and conduct of the clerks/ munshis of the members of the Bar Association;
- (n) He shall be satisfied, cause to issue identity cards to the clerks/munshis of the members of the Bar Association and shall expel a person who is performing the duties of clerk/munshi of a member of Bar Association without having 'registration of such Clerk/Munshi with the Bar Association upon the recommendations of the member concerned;
- (o) He shall have the power to constitute from amongst its members, Sub-Committees as he may deem necessary for the effective performance of the functions of the Bar Association;

18 <sup>1</sup>**Vice-President:** The Vice-President in the absence of the President the vice president shall exercise all the powers and duties of the President.

19 <sup>2</sup>**Secretary General:** The Secretary General shall have the confidence and co-operation of all the members of the Association in properly maintaining the welfare and the prestige, of the Association. It shall be the duty of the Secretary; to:-

- (i) Personally attend, to conduct and sign all correspondence on behalf of the Association;
- (ii) Control and manage the establishment;
- (iii) Look to the maintenance and upkeep of the Library, Bar Room and furniture of the Association;
- (iv) Call the ordinary, emergent and general meetings of the Association and the Executive Committee and record their minutes;
- (v) Maintain an up to date record of the clerks and munshis and check their credential after every three months;
- (vi) Maintain the lists of the Touts and disrepute persons (declared by Courts or the Executive Committee)
- (vii) Arrange and manage all social, cultural and academic functions.
- (viii) Take action against the defaulters according to rules;

---

1. Inserted through amendment Notification dated 21.10.2015.

2. Inserted through amendment Notification dated 21.10.2015.

- (ix) Maintain list of members from using the library under the Library Rules and paste their names on the notice board;
- (x) Make Payments sanctioned by the President and the Executive Committee;
- (xi) Collect all amounts and keep safe custody thereon and then deposit all such amounts of the Association in the Bank authorized by the Executive Committee;
- (xii) Check the library and its registers at least once a month;
- (xiii) Call General meeting under rule 57 or rules 80 and 62 when requisitioned either by the members or the Accounts Sub-committee under rule 38 for submission of accounts of the Association after every three months;
- (xiv) Initiate all proceedings against the defaulters under these rules and the Touts defined under Sub-Rule (f) of rule 17 on its own motion or an allegation received by him in accordance with the Act and the rules framed there under;

20 The Secretary <sup>1</sup>General shall maintain the following registers and books of accounts in such form and manners as the executive committee may direct from time to time and the same shall be correctly and regularly be kept;

- 1 Constitution/Memorandum of Association;
- 2 Register of the members of the Association;
- 3 Accounts Books;
  - (a) Money receipt Register;
  - (b) Expenditure Register;
  - (c) Bank Pass Book;
  - (d) Cheque Books;
  - (e) Receipt Register;
  - (f) Files pertaining to voucher/receipt with respect to expenditure made out of the funds of the Bar Association;
  - (g) Register of the Rolls of the Employee of Bar Association

Including their attendance register, the register of payments of their monthly pay and allowances;
- 4 Library Rules;
  - (a) Library Rules;

---

1. Inserted through amendment Notification dated 21.10.2015.

- (b) Register of Books in the library;
- (c) Register of pertaining to issue and receipt of books of the library;
- 5 Establishment Register;
- 6 Stock Register;
- 7 Register for the recording of the minutes of the meetings General House of the Bar Association;
- 8 Register for recording the minutes to the meetings Executive Committee;
- 9 The Register pertaining to notice issued under the rules;
- 10 Correspondence Register;
- 11 Files of the Association Subject-Wise;
- 12 Register of complaints against members, Touts and the Subordinate Judiciary;
- 13 Defaulter Register showing money due on account of subscription an another Register with respect to fine imposed and realized from the members as price of the books lost, damaged, or failure to return books in time and price of library books declared, lost or damaged by the members;
- 21 **The Secretary <sup>1</sup>General** shall at the close of his tenure; hand over all the registers/record of the Association to the new elected Secretary after it has been checked;
- 22 **Joint Secretary <sup>2</sup>General:** The Joint Secretary, in the absence of the Secretary, shall exercise the powers and duties assigned to the Secretary;
- 23 **Vacancy:** if the office of an office bearer becomes vacant during the existing term, the vacant office shall be filled by holding election in according with the rules within 30 days of becoming the office vacant;  
Provided that a vacancy shall be filled in by election in case the vacancy occurs at least three month remains for the term to be expired.
- 24 **Constitution of the Executive Committee:** There shall be constituted an Executive Committee consisting of the following members;
  - 1 President;
  - 2 Vice-President;
  - 3 Secretary General, or
  - 4 Joint Secretary; and

---

1. Inserted through amendment Notification dated 21.10.2015.

2. Inserted through amendment Notification dated 21.10.2015.

5 At least five members ..... <sup>1</sup>(deleted) by the General House;

25 **Powers and duties of Executive Committee:** The Executive Committee shall be in charge of and responsible for the conduct of the affairs of the Bar Association. It shall have the following powers and duties:-

- (a) To employ, suspend reprimand and dismiss the employee of the associations.
- (b) To fix and modify the emoluments, grades, conditions of service including increments, special allowances, of the employees of the Association;
- (c) Sanction expenditure exceeding Rs. 5000/-.
- (d) To Cause to appoint an Auditor; <sup>2</sup>(omitted)
- (e) To impose an emergent subscription or donation to meet the extraordinary expenses;
- (f) To maintain such establishment for the association as it may deem necessary;
- (g) The Executive Committee shall make ensure the receipt of all cash and cheques received for credit to the fund of the Association which shall be entered on the receipt side of the cash book soon after the receipt is issued, the disbursement of all moneys from the fund of the Bar Association shall be ensure to be entered on the expenditure side of the cash book as soon as the disbursements is made;
- (h) The Executive Committee shall ensure that at the end of every six month, a statement of the documents giving full detail of income and expenditure shall be complied and at the end of each financial year an annual statement in the form of balance sheet shall be prepared and placed for the approval of the general house at the annual meeting;
- (i) The Executive Committee shall also ensure that the accounts of the Bar Association are duly audited in accordance with the audit rules applicable for the State treasury through an Auditor or Auditors duly appointed by it for each financial year;
- (j) The Executive Committee shall also place the report of the Auditor in the annual meeting of the Bar Association and state whether in its opinion the annual accounts is full and fair account containing all necessary particulars and properly drawn up so as to expedient a true and correct view of the Committee;

---

1. Inserted through amendment Notification dated 21.10.2015.

<sup>2</sup> Omitted ibid

- (k) The executive committee or the President shall supervise the cleanliness and hygienic condition of the Bar Rooms and its canteen. It shall also fix the rates of commodities be supplied to the Members by the Canteen.
- (l) The Executive Committee shall enquire and report all matters referred to it by the President relating to the conduct of the members of the Bar Association, the clerks/munshis of members of Bar Association or an employee of the Bar Association and shall ask the individual affected appear before it and shall refer the matter to the General House, if the decision of the Executive Committee is unanimous and the relief is denied;
- (m) To initiate proceedings against Touts and disrepute Persons;
- (n) To check the record of the library books;
- (26) **Finance Secretary:-** <sup>1</sup>(omitted)

27 **Library Committee:** The Library Committee shall consist of three senior members of the Bar Association and the same shall be elected by General House of the Bar Association. The Committee shall be responsible:-

- a) To check all books of the Bar Library as entered in the Library Register and to classify the categories of books, issue able books and non-issue able books;
- b) To check if the books are properly issued and received back in time; and
- c) To suggest action against the defaulting member;

**General Meeting of the House**

28 A General meeting of the House shall be convened by the President for the disposal of all such matters for which its approval or sanction is required under the rules;

29 President and in his absence, the Vice-President shall convene a meeting of the Bar Association requisitioned in writing by at least ten percent of the total membership of the Bar Association within seven days of the requisition but in case the requisitioned meeting is not convened within the prescribed time, the requisition may convene such meeting within ten days of the requisition;

30 All authority under the rules shall vest in the General House of the Bar Association as considered by the members assembled in the General Meeting. The House shall act through Executive Committee, annually elected under the rules by the members of the Association;

31 At the first meeting of the General House to be convened through the Executive Committee, within one month of the commencement of

---

<sup>1</sup> Omitted vide notification dated 21.10.2015.

the term, the Finance Secretary, through Executive Committee shall present the annual budget of the Association;

32 The Budgetary funds, so allocate, shall not be varied, reduced or increased except with the approval of the General House;

33 The annual general meeting of the House shall be held in (<sup>1</sup>December ) of the year for fixation of the date of annual elections and for the approval of the report on the annual accounts and the performance of the Bar Association;

Provided in case due to any reason the annual general meeting of the House Could not be convened, in <sup>2</sup>(December), the same shall be convened on such date and time as approved by the Executive Committee of the Bar Council;

34 The Secretary General shall place on table copies of all the relevant documents to be presented before the House a week before the discussion for the information of the members.

#### **Notice for Meetings**

35 Not less than seven days, notice shall be given to members of the Bar Association for special or general meetings, such notice shall be given by:-

- a) Pasting of the notice on the Notice Board of the Bar Association;
- b) By circulating the notice/book register to all the members of the Bar, giving the agenda of the meeting;
- c) Not less than 48 hours notice shall be given to the members for an emergent meeting.

36 Due compliance of above procedure shall be the responsibility of the office bearers. The Executive Committee shall take appropriate action in case of non- compliance of the above procedure.

#### **Quorum**

37 1) The quorum for the meeting of General House of the Bar Association shall be 1/3rd or at least 50 <sup>3</sup>(Voter members according to the Voter list approved by the Bar Council for the previous election).

2) For the meeting of any Committee, the quorum shall be of simple majority of its total membership.

#### **Procedure at the Special or General Meetings of the House**

38 All special or general meeting shall be presided over by the President and in his absence by the Vice-President. In absence of both, the

---

1. Substituted through amendment in rules Notification dated 29.01.2014.

<sup>2</sup> Ibid

3. Substituted vide amendment Notification dated 21.10.2015.

meeting shall be presided over by the senior member elected by the members present in the meeting comprising not less than half or 50 members on rolls, whichever is the less.

39 The President or the person presiding over the meeting shall have full authority to regulate the proceeding of meeting and to maintain order in such manner as he may deem fit;

40 All the proceedings of the meeting shall be recorded verbatim in the register of minutes by the Secretary and signed by the President or the member presiding;

41 All resolutions shall be determined by simple majority votes, when equally divided the President shall have the casting vote.

42 No resolution to question the conduct or character of any member or to vary or add to or to amend any rule of the Association shall be moved in the House unless 2/3<sup>rd</sup> members on its rolls are present in special or general meeting convened for the said purpose no resolution shall be deemed to have been carried or passed unless not less than 3/4<sup>th</sup> of the members present shall have voted for the same;

43 In case any resolution is moved regarding the conduct of a member, the votes shall be by secret ballots. Ballots signed and dated by the President shall be distributed to the members present who shall write on the reverse of it yes or no. The members shall cast their individual votes in the ballot box. The decision shall be announced by the President who shall communicate it to the Bar Council if it is adverse to the member, for action.

44 (1) All other matter brought before the General House shall be decided by majority and shall be binding on all the members of the Association. Such voting shall ordinary be by show of hand Except any particular case the President for the majority of member present may decide this voting to take place by secret ballot;

(2) 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 Association, shall rise his seat or if unable to do so, shall otherwise intimate his desire to the Chairman of the meeting and shall speak only when called upon to do so by the Chairman of the meeting and shall address the meeting standing except when permitted otherwise for the time allocated to him by the Chairman. If at any time the Chairman rises, the member shall resume his seat;

Provided the opinion of the House or the Committee or as the case may be can be dissented from by any member and he may append a written note of dissent which shall form part of the minutes of the meeting of the House or the Committee.

### **Elections**

45 (1) <sup>1</sup>That annual election of the Bar Associations except Supreme Court Bar Association shall be held under the supervision of the

---

1. Substituted through amendment in rules Notification dated 29.01.2014.

Election board on Saturday of the 2nd week of February each year, and in case the holiday falls on Saturday then prior to the day(s) on which the holiday(s) fall. All the office holders of the Association mentioned in the aforesaid Rules shall be elected by the members of the Association who had been declared eligible voters in the list provided by the Executive Committee of the Bar Council subject to the fulfillment of the conditions prescribed in the proviso to this rule and placed on the notice board on the 15th December each year by the president.

Provided that the president shall publish a list of defaulters on 15th November, who shall clear their dues by 30th November. The president shall paste the final list on the notice board of the Bar Association on 1st December and manage to furnish to the Bar Council office list of members of the Bar before 15th December failing which he shall be proceeded against under rule 83 of the Memorandum of Association 2001. However, an Advocate, whose name is not included in the list published by the president, may prefer appeal to the Executive Committee of Bar Council till 30th December, whose decision shall be final. <sup>1</sup>After verifying the voter list the Executive Committee of Bar Council shall notify the final voters list at the earliest but not later than twenty days before the election.

45-A <sup>2</sup>The annual election of Supreme Court Bar Association of Azad Jammu and Kashmir shall be held under the Supervision of the Election Board of Saturday of the 2nd week of October each year and in case the holiday falls on Saturday then prior to the day when holiday falls”.

Provided in case the conduct of election in the aforesaid manner is not possible, the matter shall be reported to the Executive committee of the Bar Council who shall, after consultation with the office bearers of the concerned Bar Association, fix a date of election.

(2) All office holders of the Association mentioned in the rules shall be elected by the members of the Association who have been declared eligible voters by the President in the list published and pasted on the Notice Board of the Bar Association on 15th of December each year.

<sup>3</sup>45-B The Annual Election of High Court Bar Association shall be held under the supervision of Election Board on Saturday of 2nd week of March each year and in case the Holiday falls on Saturday then prior to the day when Holiday falls.

<sup>4</sup>45-C No Contesting Candidate or his supporters shall canvass for votes through advertisement, banners, play cards, stickers and posters etc.

(ii) No meal/lunch/dinner by a contesting candidate or his supporters will be offered/arranged to or for voters directly or indirectly in connection with election.

---

1. Inserted through amenity Notification dated 29.01.2017.  
2. Added through amendment in rules Notification dated 29.01.2014.  
3. Added through amendment and rules Notification dated 21.10.2015.  
4. Added through amendment and rules Notification dated 18.01.2017.

(iii) No professional practicing advocate can be a contesting candidates unless he has active length of practice as under;

- |                    |  |
|--------------------|--|
| President:         | (i) 10 years in case of Tehsil Bar Association and District Bar Association.       |
|                    | (iii) 10 years as an Advocate of High Court in case of High Court Bar Association. |
| Vice President:    | (i) 07 years in case of Tehsil Bar Association.                                    |
|                    | (ii) 10 year in case of District Bar Association.                                  |
|                    | (iii) 10 years as an Advocate High Court in Case of High Court Bar Association.    |
| Secretary General: | (i) 05 years in case of Tehsil Bar Association.                                    |
|                    | (ii) 07 year in case of District Bar Avocation.                                    |
|                    | (iii) 08 years as an Advocate High Court in Case of High Court Bar Association.    |
| Other office:      | Joint Secretary and Members of the Executive Committee (3 year practice)           |

<sup>1</sup>45 D A Bar Association shall not invite the Chief Justice of the Supreme Court, the Chief Justice of High Court, any judge of the Supreme Court or High Court or subordinate judiciary or any public office holder to Bar Association as Chief Guest or a guest in any function/activity of Bar Association before one month of the Election of Bar Avocation to keep the transparency, impartiality and fairness of the Election Process.

46 The <sup>2</sup>(Executive Committee) shall constitute an Election Board consisting of Chairman and two other members who shall be the senior members of the Bar, seven days before the schedule for annual election announced by the Executive Committee, to conduct the annual election and to decide all election issues. It shall remain in office for the whole year.

<sup>3</sup>Provided that standing practice of Chairman and members of election board shall not be less than 10 years.

---

1.  
2. Substituted through amendment and rules Notification dated 21.10.2015.  
3. Inserted through amendment in Rules Notification dated 18.01.2017.

47 In case of re-election under the rules, the Election Board constituted shall continue to function till the final result of the election.

48 All the issues shall be decided by majority and all proceedings shall be in writing and open to inspection by any member of the Bar after the final decision of the Election Board

49 The Election Board shall maintain secrecy of ballot and shall assure its free and voluntary exercise of the right to vote.

50 The Election Board shall follow the schedule of annual election announced by the Executive Committee;

51 The contesting candidate for an office shall be proposed and seconded in writing by an eligible voter and accepted in writing by the candidate and signed and dated;

52 A proposal shall relate only to one candidate and shall be invalid if it relates to more than one;

53 (1) The contesting candidate himself or his proposer or seconder shall submit the Nomination paper or papers to the Election Board. The Election Board or any other person specifically authorized by the Board in this behalf shall note on each proposal as soon as it is received, its number as well as the time and the date on which it is received.

(2) The Election Board shall prescribe the amount of security to be payable by the candidate of each office;

54 The Election Board, after the expiry of time fixed for submission of the nomination papers shall paste on the notice board of the Bar Association a complete list of the nomination papers received for each office, the name of the contesting candidates, their proposal and seconder and the time of receipt of every such nomination;

55 On the date and time fixed in the schedule, the Election Board shall scrutinize and examine all the nomination papers for all the office holders in the presence of contesting candidates or their proposer or seconder of the candidate, duly appointed agents of the contestants;

56 The Election Board shall accept nomination papers if these were found to be in order. The Election Board shall paste on the Notice Board, the list of validly nomination papers for each office;

57 A candidate may withdraw his candidature on or before the day fixed for the poll;

58 The candidate for the office, for which there is no other contesting candidate and his nomination papers had been accepted as valid nomination, the candidate shall be declared as elected for that office by the Election Board

59 The Election Board shall arrange for the ballot papers and the ballot box for each office in the manner deemed fit and proper to the Board;

60 On the date and time fixed for in the election schedule, the Election Board shall give to each eligible voter his ballot paper signed by Chairman Election Board one by one and obtain his signature on the voter list. Each voter shall get ballot paper for each office and the eligible voter shall be required to<sup>1</sup> tick mark (✓) for candidate of his choice for each office.

Provided that Election Board shall enter the registered number of eligible voter and shall obtain his signatures on the counter file of the eligible voters list maintained in accordance with these rules

61 The eligible voter shall cast his vote for each office secretly and with full sense of responsibility to the prestige honour and independence of his profession;

62 At the close of election, the Election Board shall separately count for each contested office in the presence of the candidate or his other authorized agent

63 <sup>2</sup>(i) After counting votes for each office, the Chairman Election Board shall immediately announced the result and notify the same forthwith.

<sup>3</sup>ii) The new elected office bearers shall take over the Charge of their offices within seven days of the election. The outgoing office bearers are bound to hand over the charge to new elected office bearer within aforesaid period and non observation of the rule shall be treated as misconduct and responsible shall be proceeded under Rule 15-A and 83 of rules.

<sup>4</sup>63-A The Chairman Election Board shall prepare a report of votes received by each Candidate and shall declare the result of elections. In case of equality of votes of candidates the decisions shall be taken by drawing of lots.

### **ELECTION PETITIONS**

64 (1) On the application of any eligible voter or contesting candidate that there is reasonable evidence that elections as a whole or election of any particular office is void, the Executive Committee of the Bar Council shall inquire into the allegations and decide the issue after giving full opportunity to the parties concerned;

(2) An objection to election under Sub-Rule (1) may be filed by a petition by impleading the contesting candidates for the office concerned as party to the petition along with the Election Board, stating therein the detail of grounds for setting aside the election and the relief claimed by the petitioners which shall be signed and duly verified, in the manner provided in the Code of Civil Procedure and the petition shall be delivered to the Secretary Bar Council within 30 days of the date of holding election. The Secretary shall

---

1. Substituted through amendment in rules Notification dated 29.01.2014.  
2. Added through amendment Notification dated 18.01.2017.  
3. Added through amendment Notification dated 18.01.2017.  
4. Added through amendment in rules Notification dated 29.01.2014.

refer the petition to the Executive Committee within 15 days of the date of filing. The petition shall be accompanied by a deposit of Rs. <sup>1</sup>5000/-;

65 The election as a whole or of the individual member/officer bearer shall be declared void under the following circumstances:-

- (a) It has been established that the candidate or with his connivance or consent someone or any eligible voter had paid on behalf of eligible voter or voters of Association as annual or part of annual subscription or any amount due from such voter or voters;
- (b) The candidate or with his connivance or consent, an advocate or person, not being on the Roll of Bar Association previously, is got admitted as eligible voter prior to the date of election on payment with the intent to secure vote;
- (c) The candidate or his proposer or seconder were not eligible voters on the relevant date;
- (d) The candidate or his proposer or seconder was debarred from the use of library books for reasons of loss or damage of books or for failure to return them in time fixed by the Library Sub-Committee; and.
- (e) Where the Act, rules framed there under, election Rules or any instructions or orders issued by the Bar Council have been violated.

66 In case the election as a whole has been declared void or the election of a particular office bearer has been set aside, re-election shall be ordered to be held within 20 days in accordance with these rules.

67 (1) <sup>2</sup>If the annual election is not held within the time stipulated in aforementioned rules, all office bearers of the Bar Association shall cease to hold office and thereafter, any act done or any action taken by them as the case may be, shall be illegal and void, under the circumstances mentioned in the aforesaid rules, the Executive committee of the Bar Council in this regard shall nominate an advocate to perform the function of interim president for the purpose of holiday election of the Bar Association within a period of one month. The election so held shall be the valid elections of the office bearers of Associations and the interim President shall cease to hold the office thereafter.

<sup>3</sup>67-A The non compliance of rule 45, 45, -A, 45B and rule 86 shall be treated as misconduct. The President and Secretary General of said Bar Association shall be automatically disqualified for the period of 05 years for any office of Bar Association or Member Bar Council. The Executive committee of Bar Council shall notify the disqualification of the president and

---

1. Substituted by amendment Notification dated 29.01.2014.
2. Substituted by amendment in rules Notification dated 29.01.2014
3. Added through amendment in Rules Notification dated 31.08.2016.

Secretary General of the said Bar Association. The Executive Committee may proceed under rule 15-A of the above rules.

<sup>1</sup>67-B Any person aggrieved by the decision/judgment/order of Executive committee under rule 15-A, 83 or any other rule of AJ&K Bar Council (Memorandum of Association) Rules, 2001 may file an appeal before the Bar Council within 30 days from the decision/order/judgment of Executive Committee.

### **LIBRARY RULES**

68 The Library Committee shall be responsible for the efficient and proper maintenance of the Library and for effective control of it according to the rules. The committee shall consist of three senior members of the Association appointed by the president.

69 The Committee shall check all the books and registers after every three months and shall submit its report to the president regarding the efficiency of the library staff, books lost or damaged and the member or members responsible for such loss or damage and the action taken or proposed against the member concerned.

70 The Committee shall classify books.

- (a) To be issued to members for study in the library as texts.
- (b) Books to be issued and removed from the library for reference of citation before the Courts as reference book.
- (c) The following books shall not be removed from the library and be classified as texts.
  - (i) All texts.
  - (ii) All digests.
  - (iii) All journals to be classified reference books i.e. NLR, PLD PLJ, PCr.L.J, SCMR, SCR, PSC, LAW NOTES and AIR Volumes.

71 Each member shall enroll himself to the roll of library on payment of Rs. 100/- as security and shall obtain a library card. The Librarian shall issue books to the members on production of Library card. The librarian shall issue books classified as "Text" but shall not permit them to be removed from the library. The books classified as reference books shall be issued to members for three days and shall be allowed to be removed from the library.

72 The member shall return the reference books issue to him within the prescribed time and in case of failure a fine of Rs. 1/- shall be levied for each book per day.

73 The member shall be responsible for the upkeep of book issued to him and for its return to the Librarian within specified time. The

---

1. Added through amendment in Rules Notification dated 31.08.2016.

member shall be responsible for the books lost or damaged for which he shall be liable to replace the book or to pay its price which shall be determined by the Library Committee.

74 The Librarian shall report to the Library Committee with respect to a member who has contravened the rules. The Committee shall take appropriate action against the member under rules.

75 On the report of the Librarian, the Library Committee shall declare the member not to be entitled to issue of the library books until he complies with the rules or returns the books or replaces them or pays their price,

76 The Librarian shall not issue any book to the following members or declare defaulter under rule 9.

77 The Library Committee shall publish the list of defaulting members and past it on the notice board of the Bar Association. The Committee shall supply the list of defaulting members to the Secretary for the preparation of eligible voters list by the 20th October each year.

78 All the fines imposed under the rules or price of books, lost or damaged shall be treated, added and realized as an arrears, of the Bar Association for the purpose of debarring the member from the membership of the Association and of further action under the Act and rules framed by the Bar Council. The librarian shall maintain a register 'fine register for funds realized or money paid for books damaged or books lost by the defaulting members.

79 No member shall be entitled to the issue of any library book if he is declared as the defaulting member under rule 75.

80 No Book shall be issued to the member if the Librarian has reasons to believe that the book is intended for the use of the defaulting member or "declared defaulter" the Librarian shall inform such cases to the Library Committee for action.

81 The Librarian shall maintain the registers for the books mentioned in rule 70.

82 The Librarian shall enter all new books purchased by the Sub-committee in various registers and circulate their titles to all the members for their Information and paste the list of new arrivals of the books on the notice board of the Bar Association.

83 <sup>1</sup>Non observance or violation of the provisions of the aforementioned rules, by an advocate shall be deemed to be professional misconduct making him liable for disciplinary action.

84 <sup>2</sup>No advocate shall be allowed to use the designation of office bearer of Bar Association, unless he is elected or nominated by the

---

1. Added by amendment Notification dated 29.01.2014.

2. Added by amendment Notification dated 29.01.2014.

Executive Committee of Bar Council in accordance with Rules, otherwise he shall be proceeded against under rule 15-A and 83 of the aforesaid rules.

85 <sup>1</sup>Every advocate enrolled by the Bar Council is duty bound to follow the decisions of the Bar Council and if an advocate is not satisfied by any decision of Bar Council, he may refer the matter to the Bar Council through a resolution of the Bar Association concerned to review the decision and the Bar Council shall consider the resolution of the Bar Association in an urgent meeting within 15 days from receiving the resolution. The Bar Council may review its decision or refuse to review the decision. The decision of the Bar Council shall be final and no advocate shall object to the decision of the Bar Council in personal capacity. The violation of the decisions of the Bar Council shall amount to misconduct.

86 <sup>2</sup>Audit of the funds of Bar Association shall be held by the audit committee consisting of runner up candidates for president and Secretary General. The Audit Committee shall submit audit report before the General House on. Or before 31st December every year.

Provided that if the president or Secretary General are elected unopposed, the Executive Committee of the Bar Association shall constitute audit committee consisting of three members within fifteen days of the election and shall inform the Bar Council.

-----

---

1. Added through amendment in Rules Notification dated 21.10.2015.  
2. Added through amendment in Rules Notification dated 21.10.2015.

## **AZAD JAMMU AND KASHMIR BAR COUNCIL (BAR ASSOCIATIONS RECOGNITION) RULES, 2001**

(Gazetted of Azad Jammu & Kashmir, Extra ordinary, 7th April 2001)

### **No. Rule F-4/2001.**

Whereas it is expedient 'to provide for recognition, of the Bar Associations functioning in Azad Jammu and Kashmir by the Azad Jammu and Kashmir Bar Council so as to ensure efficient performance of the Bar Associations and whereas the circumstance renders it necessary to formulate rules regulating the procedure of recognition of a Bar Association by the Bar Council.

Therefore, in exercise of powers conferred by section 53 of the Azad Jammu & Kashmir Legal Practitioners and Bar Council Act (XXX of 1995) and all other enabling provision in this behalf the Azad Jammu and Kashmir Bar Council hereby makes and notifies the following rules:-

1. (a) These Rules may be called the Azad Jammu and Kashmir Bar Council (Bar Association Recognition) Rules, 2001.  
(b) These rules come into force from 15th October, 2002
2. All existing Bar Associations functioning in Azad Jammu and Kashmir namely, Supreme Court Bar Association Azad Jammu & Kashmir Central Bar Association Muzaffarabad, District Bar Associations Bagh, Poonch/Rawalakot, Sudhnooti, Kotli,. Mirpur, Bhimber and Sub-Djvisional Bar Association Authmukam, Hattian Balia, Dhirkot, Haveli (Kahuta) Abbaspur, Hajira, Sensa, Nakyal, Dadyal, Samahni shall apply to the Bar Council for recognition and registration as a Bar Association with in a period of 60 days from the date of coming into force of these rules.
3. The applications for recognition and registration of a Bar Association shall-be accompanied by the following documents:-
  - 1 Copy of the Constitution, rules and bye-laws adapted by the Association prior to coming into force of these rules.  

Provided the Constitution, rules or bye-laws adapted shall conform to the Azad Jammu & Kashmir Bar Council (Memorandum of Associations) Rules, 2001 and any provisions or such Constitution, rule or bye-laws of the Bar Association found inconsistent to the provision of the Rules framed by the Bar Council shall be void
  - 2 Copy of the resolution of the Bar Association seeking recognition and registration of the Bar Association.

- 3 List of members of the Bar Association giving full particulars of Name, Fathers Name, Sur-Name, Address, and Date of enrollment and whether enrolled as advocate for subordinate Court, High Court and Supreme Court
- 4 Original signed attendance sheet of the members who attended the meeting for adaptation of new Constitution, rules or bye-laws.

Provided that in case a Bar Association had already adapted a Constitution bye-laws the attendance sheet shall not be required.

4. (1) Receipt of payment/Bank Demand Draft of registration fee of Rs. 1000/ Every application shall be laid before the Executive Committee of the Bar Council which may either accept, reject or require amendments to be carried out in the Constitution, rules and bye-laws of the Association up to March, 2002. Any other Bar Association constituted after coming into force of these rules shall apply for registration/ recognition within the period of 60 days.

(2) In case the Bar Association fails to make amendments with in the prescribed period the Secretary Bar Council with in the time specified submit the case before the Executive Committee and the same shall rejected unless the Executive Committee for sufficient reasons extended the time

(3) In case the application is rejected under Sub-Rule (1) the Association may prefer and appeal to the Bar Council with in 30 days.

(4) Where application for recognition are made by more than one Bar Association from the same district, sub-division the Executive Committee shall dispose of such applications by one order. The aggrieved Association may prefer an appeal to the Bar Council with in 30 days.

(5) The Bar Council may pass such interim order upon presentation of appeal, as it deems fit during the Pendency of appeal.

5. In case two or more Bar Association from the same place make applications, the Executive Committee of the Bar Council may recognize that Bar Association which has as its members majority of Advocates practicing in the area which the Association seeks to represent:

Provided that where a Bar Association duly recognized and Register by the Bar Council exists at a place, no application for recognition shall be entertained.

6 No Bar Association shall perform any function after 1st January 2003. In case of non-compliance of the provisions of these Rules, a penalty of Rs 1000/- for each day is to be imposed by the Executive

Committee of the Bar Council. The Bar Council shall also take disciplinary proceeding against the office bearers of defaulting Bar Association accordance with the provisions of the Act and rules framed there under in case the Bar Association elected its other panel of office bearers, all the members of such Bar Association shall be proceeded against by the Bar Council for the misconduct under the Disciplinary Rules of the Bar Council-

By order of the Bar Council

(Sd)

**Shaukat Hussain Awan**  
Secretary Par Council

-----

## **AZAD JAMMU & KASHMIR BAR COUNCIL (ADAPTATION) RULES, 2001**

{Gazette of Azad Jammu & Kashmir, Extra Ordinary, 7th April, 2001}

### **No. Rule/F-4/2001.**

Whereas It is expedient to provide for regulating the procedure of appeals imparting legal education and providing free legal aid in Azad Jammu & Kashmir and to ensure efficient performance of the Azad Jammu & Kashmir Bar Council, it is necessary to adapt the Rules applicable in Pakistan the Azad Jammu & Kashmir Bar Council.

Therefore, in exercise of powers conferred by section 53 of the Azad Jammu & Kashmir Legal Practitioners and Bar Council Act (XXX of 1995) and all other enabling Provisions in this behalf, the Azad Jammu & Kashmir Bar Council hereby makes and notifies the following rules:-

1- These Rules shall be called the Azad Jammu & Kashmir Bar Council (Adaptation) Rules, 2001.

2 These Rules shall come into force with effect from 15th November, 2001.

3 The Rules of Punjab Bar Council and Pakistan Bar Council as contained in the Schedule to these Rules along with notifications and order made there under as in force immediately before the commencement of these Rules, are hereby adapted and shall, as far as practicable be enforced in Azad Jammu & Kashmir territory subject to the modifications stated below,--

- 1 The expression Government, Federal Government, as far as practicable, be construed to refer to the Azad Jammu & Kashmir Govt. and the Azad Jammu & Kashmir council respectively
- 2 The Expression Provincial Bar Council' Pakistan Bar Council' as far as Practicable, be construed to refer to the Azad Jammu and Kashmir Bar Council.
- 3 The expression' of any of the Committee of Provincial Bar Council' and1 Pakistan Bar Council' shall be construed to refer to corresponding Committee of the Azad Jammu and Kashmir Bar Council.
- 4 The expression 'university' shall means "a university established by an Act of the Azad Jammu and Kashmir Assembly or by an Act of the Parliament of Pakistan and having a faculty of law:

Provided that if a university has not observed the syllabus prescribed and the standard provided by the rules, the Bar Council shall not recognize the degree of such

university for the purpose of enrollment by the Azad Jammu and Kashmir Bar Council.

Provided further that the degree of such university shall also be scrutinized by the committee of the Bar Council already granted and in case the same does not conform to the Syllabus and standard prescribed by the rules, the degree so granted shall not be recognized by the Bar Council for the purpose of enrollment of the advocate.

4. If any difficulty of question arises in giving effect to the provisions of these rules of in regard to the construction to be placed on any adaption, the Azad Jammu and Kashmir Bar Council may, from time to time make such provisions or given such directions as appear to it to be necessary for the purpose of removal of such difficulty.

By order of the Bar Council

(Sd)

**Shaukat Hussain Awan**  
Secretary, Bar Council.

#### **SCHEDULE**

1. Pakistan Bar Council Legal Education Rules, 1978 amended up to November 1,2001.
2. Pakistan Bar Council Appeal Rules, 1986, as amended up to November 1, 2001.-
3. Pakistan Bar Council Free Legal Aid Scheme, amended up to November 1,2001.

By order of the Bar Council

-----

**“THE GAZETTTE OF AZAD JAMMU AND KASHMIR”**

**Extra Ordinary Gazettee Published**

**AZAD JAMMU AND KASHMIR BAR COUNCIL  
FOUNDATION (LAWYERS) RELIEF FUND RULES,  
2008**

[Gazettee of Azad Jammu and Kashmir, Extra ordinary, 06th October, 2008]

Whereas it is expedient to establish a foundation for the common benefits of the Advocates and to provide the manners of its management and regulations, the Azad Jammu and Kashmir Bar Council in exercise of powers conferred of it by Section 53 of the Azad Jammu and Kashmir Legal practitioners and Bar Council Act 1995, read with other enabling; provisions of the said Act, hereby, makes the following rules.

2. (i) These Rules shall be called “The Azad Jammu and Kashmir Bar Council Foundation Relief Fund Rules, 2008”.
- (ii) These Rule shall come into force at once.
3. In these Rules unless there is anything repugnant in the subject or context,--
  - (a) “Assistance” means the financial grant or support (in cash or kind) out of the funds of the foundation for providing relief to the eligible beneficiaries.
  - (b) “Beneficiaries” means the advocates who are bonfire members of any Bar Association.
  - (c) Chairman means the Chairman of the Committee.
  - (d) Committee means the committee constituted under these Rules.
  - (e) Dependent means the wife, widow (not re-married), husband, parents sons and un=married daughters of beneficiaries wholly dependent and residing with the beneficiaries.
  - (f) “foundation” means the Azad Jammu and Kashmir Bar Council Foundation.
  - (g) “Funds” means Azad Jammu and Kashmir Bar Council funds derived from the sources of the Government of Azad Jammu and Kashmir, donations (in cash or kind) by any Government non Government agencies and individuals.
  - (h) “Government” means Azad Jammu and Kashmir Government.
  - (i) “Secretary” means the Secretary of the Committee/Secretary Bar Council.

- (j) Secretariat” means the administrator setup of the committee for working as secretariat of the Foundation.
- (k) “Vice Chairman” means the Vice Chairman of the Azad Jammu and Kashmir Bar Council.
- 4. Aims and objects of the funds:-
  - (i) The aims and objects of the funds are to provide financial aid and assistance to the beneficiaries.
  - (ii) Without prejudice to the generality of sub rule (1). The foundation may in particular.
    - (a) Provide for extending and improvement of medical facilities to the beneficiaries and their dependents.
    - (b) Grant assistance in lump sum or on periodical basis or both to the beneficiaries in case of their serious illness or injury or in case or illness, illness or death of their dependents.
    - (c) Grant assistance in lump sum or on periodical basis or both to the dependents in case of death or permanent disability of the beneficiaries.
    - (d) Grant annual scholarships to the eligible dependents of the beneficiaries for their educational requirements.

5. **Funds.** There shall be a fund of the Foundation consisting of income from sources created by the foundation, grants in aid and donations from Government (in case or kind), any Government Department, non Government Agencies, organizations, individuals and income derived from the sale of stamps.

6. **Committee.** (1) There shall be a committee of Administrator to administer and manage the affairs of the fund. The Vice Chairman of the Bar Council shall be the Chairman of the Committee.

(2) There shall be four other member of the committee constituted and nominated by the council.

7. **Powers of the Committee.** (1) The committee shall have the powers and discretion to utilize, apply and invest the funds of the Foundation in such manner as it may consider appropriate.

- (2) Without prejudice to the generality of the foregoing, the committee may,--
  - (a) Create posts, make appointments and determine the pay, allowances and other term and conditions of service of the employees of the Foundation.

Provided the total annual administrative expenditure shall not exceed ten percent of the annual income of the fund.

- (b) Raise loans for its various enterprises.
- (c) Enter into contracts, engagements, arrangements and execute necessary documents.
- (d) Purchase, sell endorse, transfer, negotiate or otherwise deal in securities of the Government and
- e) The committee shall print and publish Vakaltnama forms valued Rs. 30/-. All the cases to be instituted in any Court of law including Civil, Criminal, Revenue, Rehabilitation and Administrative Tribunal i.e Custodian, Service Tribunal, Banking Court and in the High Court, Shariat Court and Supreme Court shall be accompanied by the Vakalatnama published by the AJ&K Bar Council:- and without vakalatnama of AJ&K Bar Council no advocate shall be entitled to appear, proceed and defend the case referred here in above.
- f) If it is found that an advocate without filing the vakalatnama published by the Bar Council is proceeding with the cases, his license may be suspended by the executive committee of Bar Council.

**8. Rules of procedure for the committee.** (1) The Chairman may convene meeting of the Committee at such time and place as may be deemed necessary and convenient for transaction of its business provided that at least two meetings shall be held in a years.

(2) The Chairman shall preside the meeting of the committee, if any meeting convened by the Chairman, the Chairman is not present, the members present may elect a member for presiding the meeting.

(3) Fifty percent of the total number of the members shall form quorum of a meeting.

(4) The decision of the Committee shall be taken by a majority of members present. In case of tie, the Chairman or the members presiding the meeting, as the case may be, may exercise a casting vote.

(5) Preparation of agenda and minutes of the meeting shall be the responsibility of the Secretary.

(6) All accounts of the Funds will be jointly operated by the Chairman and the Secretary of the Committee or any person authorized by them.

(7) The finances of the funds shall be invested in saving scheme of the National saving center, the post offices or other Government granted

securities and any other long terms deposits in DFLs/scheduled Bank obtain maximum profits.

(8) The accounts of the Fund shall be maintained in proper forum and subject to audit by the Auditor appointed by the Council for Financial Assistance; and

(9) The Committee may frame regulations for the smooth management of the fund.

9. **Powers of the Chairman of the committee.** In matters of emergency, the Chairman may take such decision as considered expedient subject however, to ex-post facto approval of the committee in the subsequent meeting.

10. **Procedure for grant of assistance.** (1) Applications in a form prescribed in Schedule-I may be submitted by an eligible beneficiary or his dependent to the Committee.

(2) The committee may cause an inquiry to verify the contents of application and on satisfaction regarding eligibility of the applicant under the rules may recommend assistance in accordance with rules.

(3) The committee may grant financial assistance to a beneficiary or his dependents on the scale as prescribe by the committee; and

<sup>1</sup>(4) The chairman of the Committee pending finalization of a case by the committee may grant immediate assistance to an advocate not exceeding Rs. 200.000/- for his/her medical treatment, of any of the following, diseases.

- (i) Cancer.
- (ii) Hepatitis B & C
- (iii) Chronic Kidney disease.
- (iv) Cardiac disease (open heart surgery & angioplasty only)
- (v) Brain Hemorrhage /Paralysis.
- (vi) Serious injuries due to accident of any kind.

-----

---

1. Substituted through amendment rules notification dated 09.10.2017.