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**THE GAZETTA OF AZAD JAMMU AND KASHMIR EXTRA  
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**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

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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.

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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:

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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

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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;

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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;

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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

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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.

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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;

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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.

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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

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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

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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 two 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 and/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.

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<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 be entitled to 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 to conveyance allowance equal to fair of rent a car per day.

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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.

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<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

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<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

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