

**[AS INTRODUCED IN THE SENATE]**

**A  
BILL**

*further to amend the Legal Practitioners and Bar Councils Act, 1973*

**WHEREAS** it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:

**1. Short title and commencement.**- (1) This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2011.

(2) It shall come into force at once.

**2. Amendment of section 28, Act XXXV of 1973.**- In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for section 28, the following shall be substituted, namely:

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

- (a) he has practiced as an advocate of High Court for a period of not less than five years;
- (b) he fulfils such conditions as may be prescribed in this behalf by the Pakistan Bar Council from time to time; and
- (c) has paid to the Pakistan Bar Council such enrollment fee as may be prescribed by that Council."

**STATEMENT OF OBJECTS AND REASONS**

The requirement of practice for a period of ten years for enrolment as an advocate of Supreme Court needs to be rationalized on the following grounds:

- (i) the Legal Practitioners and Bar Councils Act, 1973 meticulously specifies the criteria for enrollment of advocates and advocates of High Courts but the criteria for enrolment as an advocate of Supreme Court is loosely specified in the said Act. The Bill seeks to harmonize the criteria of enrollment of advocates for all courts;

- (ii) Article 191 of the Constitution authorizes the Supreme Court to make rules for regulating practice and procedure of the Supreme Court subject to law. Hence, the law on the subject i.e. the Legal Practitioners and Bar Councils Act, 1973 is being amended;
  - (iii) experience as an of advocate High Court is neither a pre-requisite nor an essence for enrollment as an advocate Supreme Court in other jurisdictions including India;
  - (iv) young advocates are to be relied upon for procuring justice for the public at large in the apex court of the country. The Bill is a concrete step towards the access to justice through young advocates;
  - (v) five years experience as an advocate High Court has been in vogue in the past through the Supreme Court Rules, 1980; and
  - (vi) an advocate having five years standing can appear before the Federal Shariat Court, which is also a Constitutional Court.
2. The Bill seeks to achieve the foregoing objects.

**SENATOR SABIR ALI BALOCH**  
Member-in-charge