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# REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



## “THE LEGAL PRACTITIONERS AND BAR COUNCIL (AMENDMENT) BILL, 2016”

Report No. 28

PRESENTED BY

SENATOR MUHAMMAD JAVED ABBASI  
CHAIRMAN



## **SENATE SECRETARIAT**

### **REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE LEGAL PRACTITIONERS AND BAR COUNCIL (AMENDMENT) BILL, 2016”**

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Legal Practitioners and Bar Council (Amendment) Bill, 2016” as passed by the National Assembly and introduced in the Senate on 7<sup>th</sup> October, 2016. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<b>Senator Muhammad Javed Abbasi</b>	<b>Chairman</b>
2.	Senator Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 31st October and 16<sup>th</sup> November, 2016, under the Chairmanship of Senator Muhammad Javed Abbasi, final consideration of the Bill was held in the meeting dated 16<sup>th</sup> November, 2016 which was attended by the following hon'ble Members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Saleem Zia
- iii. Senator Zahid Khan
- iv. Senator Saeed Ghani





**Synopsis of deliberations held during meeting dated 31<sup>st</sup> October, 2016.**

4. Minister for Law and Justice briefed that the Bill seeks to rectify an anomaly created by the Legal Practitioners and Bar Councils (Amendment) Act, 2014 wherein the number of seats for Punjab Bar Council in Section 5(2) of the Act remained un-amended, whereas the Schedule to the Act was amended. Moreover, for the benefit of the lawyer community at large, it is proposed to bring various Bar Councils and Associations of the country in the ambit of Federal grants. The grant shall be made having regard to the total number of Advocates on the role of a Bar Council or Bar Association and in certain cases keeping also in view the requirements of a particular Bar Council or Bar Association in accordance with the prescribed procedure.

5. The Committee decided that since the main stakeholders are bar councils and bar associations, therefore, in the next meeting representatives of bar councils and some bar associations may be invited to seek their input on the same.

6. Accordingly, consideration of instant agenda item was deferred till the next meeting of the committee.

**Synopsis of deliberations held during meeting dated 16<sup>th</sup> November, 2016.**

7. Secretary ministry of Law and Justice briefed the committee that previously grants were given to the Bar Association to which audit objections were raised that there is no such provision in the law for providing grants to the Bar Associations, therefore, an amendment is being proposed in order to rectify this lacuna.

8. Representatives of Bar Council and Association were also invited to give their inputs on the instant Bill. Mr. Rahib Khan Buledi, Chairman Inter Provincial Committee, Balochistan Bar Council drew attention of the Committee towards section 5 (2) Legal Practitioners and Bar Councils Act, 1973, and stated that previously eight Members were to be elected to the Balochistan Bar Council, however, representation of one district was taken away leaving the number at seven. He further stated that decreased a number has resulted in lack of representation of one district in the composition of Balochistan Bar Council.

9. The committee directed the Ministry of Law and Justice to look into the matter and present a report before the committee in this regard.



10. Ch. M. Hussain, vice Chairman Punjab Bar Council, opposed the proposed amendment in section 5(2), Legal Practitioners and Bar Councils Act, 1973, vide the instant Bill.


11. Secretary Law and Justice briefed the Committee that in 2014, vide an Act of Parliament, schedule of the Legal Practitioners and Bar Councils Act, 1973, was amended to reduce the membership of Punjab Bar Council to 74, however, section 5 could not be amended accordingly, which created an anomaly that needs to be rectified.

12. The Chairman Committee enquired from the Vice Chairman, Punjab Bar Council that whether the recent elections to the Punjab Bar Council were held to 74 seats or 75 seats. The Vice Chairman responded by sharing that said elections were held to 75 seats.

13. The Committee, after deliberations, was of the considered view that Membership of Punjab Bar Council should not be reduced, however the Government may amend the schedule accordingly. **The Committee recommended that clause 2 of the instant Bill may be omitted.**

14. Members of Committee and representatives of Bar Councils / Associations supported amendment regarding grants to Bar Councils and Bar Associations.

15. Accordingly, the Committee recommends that "The Legal Practitioners and Bar Council (Amendment) Bill, 2016", as reported by the Committee, may be passed by the Senate. (Copy of Bill as reported by the Committee is Annexed as "A" and Bill as passed by the National Assembly and introduced in the Senate is annexed as "B").

  
(Rabeca Anwar)  
J.S / Secretary Committee

  
( Senator Muhammad Javed Abbasi)  
Chairman



**[AS REPORTED BY THE COMMITTEE]**

**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 thereafter 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, 2016.

(2) It shall come into force at once.

**2. Amendment of section 57, Act XXXV of 1973.**— In the said Act, for Section 57 the following shall be submitted, namely:-

**“57. Grants to Bar Councils and Bar Associations.** – The Federal Government and the Provincial Governments may make grants-in-aid to the Pakistan Bar Council, Islamabad Bar Council, Provincial Bar Councils and the Bar Associations as they may deem fit, having regard to the total number of advocates on the roll of a Bar Council or a Bar Association and in certain cases keeping in view also the requirements of a particular Bar Council or a Bar Association in accordance with the prescribed procedures.”

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[AS PASSED BY THE NATIONAL ASSEMBLY]

A  
BILL

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

It is hereby enacted as follows:—

1. **Short title and commencement.**— This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 5, Act XXXV of 1973.**— In the Legal Practitioners and Bar Councils, Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, in section 5, in sub-section (2), in clause (a), for the figure "75", the figure "74" shall be substituted.

3. **Amendment of section 57, Act XXXV of 1973.**— In the said Act, for Section 57 the following shall be substituted, namely: —

"57. **Grants to Bar Councils and Bar Associations.**— The Federal Government and the Provincial Governments may make grants-in-aid to the Pakistan Bar Council, Islamabad Bar Council, Provincial Bar Councils and the Bar Associations as they may deem fit, having regard to the total number of advocates on the roll of a Bar Council or a Bar association and in certain cases keeping in view also the requirements of a particular Bar Council or a Bar Association in accordance with the prescribed procedures."



## **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to rectify an anomaly created by the Legal Practitioners and Bar Councils (Amendment) Act, 2014 wherein the number of seats for Punjab Bar Council in section 5(2) of the Act remained un-amended, whereas the Schedule to the Act was amended.

2. Moreover, for the benefit of the lawyer community at large, it is proposed to bring various Bar Councils and Associations of the country in the ambit of Federal grants. The grants shall be made having regard to the total number of Advocates on the roll of a Bar Council or Bar Association and in certain cases keeping also in view the requirements of a particular Bar Council or Bar Association in accordance with the prescribed procedure.

3. The Bill seeks to achieve the aforesaid object.

Mr. ZAHID HAMID  
Member-in-charge