

[AS PASSED BY 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 purpose 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, 2018.

(2) It shall come into force at once.

2. Amendment of section 2 in 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 2, for clause (h), the following shall be substituted, namely:-

"(h) "Provincial Bar Council" means a Provincial Bar Council of a Province and includes the Islamabad Bar Council;"

3. Amendment of section 4 in Act XXXV of 1973.— In the said Act, in section 4, for the proviso, the following shall be substituted, namely:-

"Provided that the next elections of the Provincial Bar Councils and Islamabad Bar Council shall be held between the 1st October, 2020 and the 31st December, 2020 and term of the next Provincial Bar Councils and Islamabad Bar Council shall commence from the 1st January, 2021."

4. Amendment of section 5A in Act XXXV of 1973.— In the said Act, in section 5A,-

(a) in clause (a), after the word "Council", the words "for not less than five years" shall be inserted; and

(b) in clause (b), for the word "ten", the word "fifteen" shall be substituted.

5. Amendment of section 7 in Act XXXV of 1973.— In the said Act, in section 7, after the second proviso, the following third proviso shall be inserted, namely:-

“Provided also that irrespective of expiry of term of the Provincial Bar Councils and Islamabad Bar Council, the next election of the said Bar Councils shall be held before the 31st day of December, 2020.”

6. Amendment of section 11A in Act XXXV of 1973.— In the said Act, in section 11A,-

- (a) in clause (a), after the word “Council”, the words “for not less than five years” shall be inserted; and
- (b) in clause (b), for the word “fifteen”, the word “twenty” shall be substituted.

7. Amendment of section 13 in Act XXXV of 1973.— In the said Act, in section 13,-

- (a) in clause (i), the full stop shall be omitted and, after the words “time to time” at the end, the expression “which shall be binding upon them;” shall be inserted; and
- (b) after clause (ld), the following clause (le) shall be inserted:
“(le) to provide free specialized services for awareness, promotion and enforcement of human rights;”.

8. Amendment of section 15 in Act XXXV of 1973.— In the said Act, in section 15, in sub-section (2), after the words “legal education committee” the words “and human rights committee” shall be inserted.

9. Amendment of section 26 in Act XXXV of 1973.— In the said Act, in section 26,-

- (a) in clause (c), for sub-clause (iii), the following shall be substituted, namely:-
“(iii) a bachelor degree in law from a university or institute recognized by the Higher Education Commission and the Pakistan Bar Council;” ; and
- (b) after clause (c), the following clause (cc) shall be inserted, namely:-
“(cc) he has passed an assessment test conducted by an organization appointed by the Federal Government;”.

10. Omission of section 46A from Act XXXV of 1973.— In the said Act, section 46A shall be omitted.

11. Insertion of section 52 in Act XXXV of 1973.— In the said Act, after section 51, the following section 52 shall be inserted, namely:-

“52. Execution of an order of a Bar Council, a Committee or Tribunal.— Subject to this Act and the rules made under it, every order of a Bar Council, a Committee or a Tribunal shall be executable:

- (a) in case of Pakistan Bar Council, its Committee or Tribunal as if it is an order of the Supreme Court; and
- (b) in case of Provincial Bar Council, its Committee or Tribunal as if it is an order of a High Court.”

12. Amendment of section 55 in Act XXXV of 1973.— In the said Act, in section 55:

- (a) after clause (l), the following clauses (la) and (lb) shall be inserted, namely:-

“(la) uniform conditions for being eligible to apply to a Bar Council for admission as an advocate;

(lb) the course of practical training in law and the examination to be passed after such training for admission as an advocate;”

- (b) for clause (n), the following shall be substituted, namely:-

“(n) the fees payable for enrolment as an advocate, advocate of High Court, advocate of Supreme Court, senior advocate of Supreme Court, annual renewal fee or in respect of any other matter under the Act and the installments, if any, in which such fee may be paid;”;
and

- (c) after clause (u), the following clause (v) shall be inserted:

“(v) the manner in which and the conditions subject to which elections of Bar Associations at different tiers shall be held:”.

13. Substitution of section 57 in 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 Minister in charge of the Federal Government or a Provincial Government may make grant in aid to a Bar Council or a Bar Association in the manner and on conditions as may be determined by the Federal Government or the Provincial Government.”

14. Amendment in the Schedule of Act XXXV of 1973.— In the said Act, in the Schedule, under the heading “Punjab Bar Council”:

(a) for the Group of Districts-III, the following shall be substituted, namely:-

“Group of Districts-III

Name of District:	Seats
(1) Khanewal	02
(2) Lodhran	01
(3) Multan	04
(4) Vehari	02”

(b) for the Group of Districts-IV, the following shall be substituted, namely:-

“Group of Districts-IV

Name of District:	Seats
(1) Chiniot	01
(2) Faisalabad	04
(3) Jhang	01
(4) Toba TekSingh	01”

(c) for the Group of Districts-VIII, the following shall be substituted, namely:-

“Group of Districts-VIII

Name of District:	Seats
(1) Kasur	02
(2) Lahore	16
(3) Nankana Sahib	01
(4) Sheikhpura	01”

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- (d) after the Group of Districts-VIII, the following Group of Districts-IX shall be inserted, namely:-

“Group of Districts-IX

Name of District:		Seats
(1) Okara	02
(2) Pakpattan	01
(3) Sahiwal	02”

STATEMENT OF OBJECT AND REASONS

Pakistan Bar Council and Law and Justice Commission of Pakistan (LJCP) have been instrumental in proposing amendments in the Legal Practitioners and Bar Councils Act, 1973. Input of these two esteemed organizations and after long deliberations with other stakeholders, it is agreed that there should be one date of holding elections of Provincial Bar Councils and Islamabad Bar Council. Moreover the seats of membership of the Punjab Bar Council are required to be divided amongst the old and newly created Districts. A new provision of passing an assessment test by a law graduate for enrolment as an advocate is being added to ensure intake of quality lawyers in the profession. Similarly, role of Pakistan Bar Council in awareness, promotion and enforcement of human rights is being strengthened. Some other ancillary amendments proposed by these two organizations have also been incorporated in the Bill. Further, in order to make procedure for grant-in-aid simpler, section 57 is proposed to be substituted to empower the respective Law Minister to approve the grant-in-aid to a Bar Council or Bar Association.

MINISTER INCHARGE