

# LEGAL PRACTITIONERS AND BAR COUNCILS ACT, 1973

[ACT XXXV OF 1973]

## An Act to repeal and, with certain modifications, re-enact the law relating to legal practitioners and bar councils

The following Act of the National Assembly received the assent of the President on the 22nd February, 1973, and is hereby published for general information:-

Whereas it is expedient to repeal and, with certain modifications, re-enact the law relating to Legal Practitioners and Bar Councils and to provide for certain incidental and ancillary matters;

It is hereby enacted as follows:-

### CHAPTER I PRELIMINARY

**1. Short title and commencement.**--(1) This Act may be called the Legal Practitioners and Bar Councils Act, 1973.

(2) It shall come into force at once.

<sup>1</sup>[**1A. Overriding effect.**--The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.]

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

<sup>2</sup>[(a) "Advocate" means an advocate entered in any roll under the provisions of this Act;]

(b) "Bar Council" means a Bar Council constituted under this Act;

(c) "Common roll" means the common roll of advocates of the High Court or, as the case may be, the common roll of other advocates prepared and maintained by the Pakistan Bar Council under this Act;

<sup>3</sup>[(cc) Omitted];

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1. Inserted vide Legal Practitioners & Bar Councils (Amendment) Act, (Act No. XII of 2005).

2. The original clause (a) of Section 2 reads as under:--

(a) "advocate" means an advocate entered in any roll under the provisions of this Act".

It was substituted by the following, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 2, with effect from 2.3.1985:--

"(a) "advocate" means an advocate whose name is for the time being entered in the Roll of Senior Advocates, Roll of Advocates or Roll of Advocates-on-Record of the Supreme Court under the rules of the Supreme Court or in the roll of Advocates of a High Court under this Act";

It was substituted by the present text through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 2, with effect from 25.8.1978.

3. Omitted through Act No. XII of 2005, Section 3.

- (d) "High Court", in relation to a Provincial Bar Council, means the High Court of the Province or Provinces, as the case may be, for which that Council is constituted;
- <sup>4</sup>[(e) "legal practitioner" means an Advocate;]
- <sup>5</sup>[(ee) "member" in relation to a Bar Council, does not include the Chairman thereof;]
- (f) "Pakistan Bar Council" means the Bar Council, constituted for Pakistan, under Section 11;
- (g) "prescribed" means prescribed by rules made under this Act;
- <sup>6</sup>[(h) "Provincial Bar Council" in relation to a Province, means the Provincial Bar Council constituted for that Province;]
- (i) "Provincial roll" means a roll of advocates of the High Court or, as the case may be, a roll of advocates prepared and maintained by a Provincial Bar Council under this Act;
- (j) "revenue office" includes all Courts (other than Civil Courts) trying suits under any law for the time being in force relating to land-holders and their tenants or agents;
- (k) "roll" means the roll of advocates maintained by a Bar Council;
- <sup>7</sup>(kk) "roll of group of districts" means a roll of advocates of a High Court and a roll of the Advocates practicing in the districts of the group, as mentioned in the Schedule, prepared and maintained by a Provincial Bar Council;
- (l) "subordinate Court" means a Court subordinate to the High Court;
- (m) "tout" means a person--
- (i) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or
  - (ii) who, for the purposes of such procurement, frequents the precincts of Courts or of revenue offices, or railway stations, landing stages, lodging places or other places of public resort;
- (n) "Tribunal", in relation to a Bar Council, means a Tribunal constituted by it under this Act; <sup>8</sup>[and]
- <sup>9</sup>[(o) "voter" means:--

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4. Sub. Through Act No. XII of 2005.

5. Inserted, through Ordinance No. XL of 1978, Section 2(b).

6. Substituted, *ibid*, Section 2(c) for the following:

"(h) "Provincial Bar Council" in relation to a Province, other than the Provinces of Sindh and Baluchistan, means the Provincial Bar Council constituted for that Province, and in relation to the Provinces of Sindh and Baluchistan the common Bar Council constituted for the two Provinces under this Act".

7. Inserted through Act No. XII of 2005.

8. Added through Act No. XII of 2005.

9. Added through Act No. XII of 2005.

- (i) in relation to election to a Provincial Bar Council, an advocate whose name for the time being appears on the roll of group of districts and to whom an identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months; and
- (ii) in relation to election to the Pakistan Bar Council, a member of the concerned Provincial Bar Council.]

## CHAPTER II

### CONSTITUTION AND INCORPORATION OF BAR COUNCILS

**3. Constitution and incorporation of Bar Councils.**—(1) There shall be constituted in accordance with the provisions of this Act.-

- (i) a Bar Council for Pakistan to be known as the Pakistan Bar Council; <sup>10</sup>[and]
- <sup>11</sup>[(ii) a Bar Council for each Province to be known as the Bar Council of the Province concerned.]

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

**4. Term of Bar Council.**—<sup>12</sup>[The] term of every Bar Council shall be <sup>13</sup>[five] years beginning on the first day of January following the general elections to the Provincial Bar Councils; and at the end of each term the members of the Bar Council shall cease to hold office:

<sup>14</sup>[Provided that the next elections of the Provincial Bar Councils shall be held between the 1st October, 2009 and the 31st of December, 2009 and the term of the next Provincial Bar Council shall commence from the 1st January, 2010.]

10. Added by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 3(a), with effect from 12.10.1978.

11. Substituted, *ibid*, Section 3(b), for the following:--

"(ii) a Bar Council for each Province, other than the Provinces of Sindh and Baluchistan to be known as the Bar Council of the Province Concerned; and

(iii) a Bar Council for the Provinces of Sindh and Baluchistan, to be known as the Sindh and Baluchistan Bar Council".

12. The word "The" was substituted for the words, figures and comma "Save as provided in Section 65 in respect of the existing Bar Council, "the" by the Legal Practitioners & Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982), Section 2(a), w.e.f. 15.7.1982.

13. By the Legal Practitioners and Bar Councils (Amendment) Act, 1976 (Act LXVII of 1976) Section 2, the word "three" was substituted by the word "four", with effect from 4.12.1976, and thereafter the word "four" was substituted by the word "five", with effect from 15.7.1982, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) Section 2(b).

14. The original proviso to Section 4 reads:

"Provided that the term of every Bar Council constituted for the first time under this Act shall be for the remainder period of the term of three years beginning on the first day of January, 1973".

It was firstly amended through the Legal Practitioners and Bar Councils (Amendment) Act, 1975 (Act LXX of 1975) Section 2, (with effect from 22.11.1975) by substituting the word, comma and figure "expire on the thirty

## CHAPTER III

### PROVINCIAL BAR COUNCILS

**5. Composition of Provincial Bar Councils.**--(1) Each Provincial Bar Council shall consist <sup>15</sup>[of:--]

<sup>16</sup>[(a) the Advocate-General of the Province *Ex-officio*; and]

(b) such number of <sup>17</sup>[...] members as may be elected by the Advocates on the Provincial roll from amongst themselves.

<sup>18</sup>[(2) The number of members to be elected to the Provincial Bar Councils shall be as follows:--

(a)	Punjab Bar Council	.....	75
	Sindh Bar Council	.....	33
	N.W.F.P. Bar Council	.....	28
	Balochistan Bar Council	.....	07; and

(b) the district-wise allocation of seats referred to in clause (a) for respective Provincial Bar Councils, shall be in accordance with the Schedule annexed hereto.]

<sup>19</sup>[(2A) For the purpose of election of members of a Provincial Bar Council from a district or districts under sub-section (2), the advocates entered on the roll of group of districts as mentioned in the Schedule annexed hereto, shall constitute the electoral college].

<sup>20</sup>[(3) Omitted].

(4) At an election of the members of a Provincial Bar Council an advocate shall have as many votes as the number of members to be elected from the <sup>21</sup>[district, or as the case may be, the group of districts] concerned.

day of December 1976" for the words comma and figure "be for the remainder period of the term of three years beginning on first day of January, 1973".

The proviso then again was amended by the Legal Practitioners and Bar Councils (Second Amendment) Act, 1976 (Act LXVII of 1976) Section 3(b), with effect from 4.12.1976, substituting the figure "1977" for the figure "1976".

The above-said amended proviso was again amended through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1977 (Ordinance XLVII of 1977) Section 2, with effect from 31.12.1977. Present text was substituted by Act No. XII of 2005.

15. Substituted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance No. XL of 1978) Section 4(1)(a), with effect from 12.10.1978, for the comma.

16. Substituted, *ibid*, Section 4(1)(b), for the following:--

"(a) In the case of a Bar Council for a Province, other than the Provinces of Sindh and Baluchistan, of the Advocate-General for the Provinces, and, in the case of the Bar Council for the Provinces of Sindh and Baluchistan, the Advocate-General for Sindh and The Advocate-General for Baluchistan, *ex-officio*".

17. The word "other" was omitted, *ibid*, Section 4(1)(c).

18. Substituted through Act No. XII of 2005.

19. Substituted by the Legal Practitioners and Bar Councils (Amendment) Act, 2005 (Ordinance XII of 2005).

20. Omitted through Act No. XII of 2005.

21. Sub. for the word "Division" vide Act No. XII of 2005.

<sup>22</sup>[(5) A member may resign his office by writing under his hand addressed to the Chairman of the Council].

<sup>18</sup>[(6) *Omitted*]

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

<sup>23</sup>**5A. Qualifications for membership of a Provincial Bar Council.**--A person shall be qualified to be elected as a member of a Provincial Bar Council if he--

- <sup>24</sup>[(a) is on the roll of advocates of High Court maintained by the Provincial Bar Council, and]
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than <sup>25</sup>[ten] years; and
- (c) has cleared all the dues payable by him to the Provincial Bar Council.

**5B. Disqualifications for membership of a Provincial Bar Council.**--A person shall be disqualified to be elected as a member of a Provincial Bar Council if he--

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

**5C. Cessation of membership of Provincial Bar Council.**--A member of a Provincial Bar Council shall cease to be such member if he--

- (a) is appointed to an office of profit in the service of Pakistan; or
- (b) is suspended or removed from practice under the provisions of Chapter VII; or
- (c) incurs any of the disqualifications specified in Section 5B.]

**6. Chairman and Vice-Chairman of Provincial Bar Council.**--(1) There shall be a Chairman and a Vice-Chairman of each Provincial Bar Council.

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22. Sub-sections (5) and (6) were added, through the Legal Practitioners and Bar Councils (amendment) Ordinance, 1978 (Ordinance No. XL of 1978) Section 4(5), with effect from 12.10.78, but by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982), the sub-section (6), which reads as under, was omitted with effect from 15.7.82:

"(6) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII".

23. With effect from 15.7.1982, new Sections 5-A, 5-B and 5-C were inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 4.

24. Substituted through Act No. XII of 2005.

25. Word "ten" is substituted for the word "seven" through Act No. XII of 2005.

<sup>26</sup>[(2) The Advocate-General for a Province shall be the Chairman of the Provincial Bar Council for that Province.

(2A) If a member of a Provincial Bar Council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant].

(3) The Vice-Chairman of each Provincial Bar Council shall be elected in the prescribed manner by the members of that Council from amongst themselves.

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

(5) Subject to the provisions of sub-sections (6) and (7), the Vice-Chairman shall hold office <sup>27</sup>[until his successor enters upon his office].

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

(7) A Vice-Chairman shall cease to hold his office if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII.

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

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

**7. Time of holding elections to a Provincial Bar Council.**--Elections to a Provincial Bar Council shall be held so as to conclude on or before the thirtieth day of November in the year in which the term of the Provincial Bar Council expires:

Provided that-

- (a) elections to the first Provincial Bar Councils to be constituted under this Act shall be held so as to conclude; and
- (b) the first Provincial Bar Councils to be constituted under this Act shall be constituted, on such day as the Federal Government may, by notification in the official Gazette, specify.

**8. Election to Provincial Bar Council not to be questioned on certain grounds.**--No election of a member to a Provincial Bar Council shall be called in question on

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26. Substituted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 5, with effect from 12.10.1978, for the following:--

"(2) In the case of the Provincial Bar Council for the Provinces of Sindh and Baluchistan, the senior of the Advocate-General for those Provinces according to the respective dates of their appointment as such, and, in the case of the Provincial Bar Council for any other Province, the Advocate-General for that Province, shall be the Chairman of the Provincial Bar Council".

27. Substituted for the words "till the thirty first day of December in the year in which he assumes office", by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) Section 5, with effect from 15.7.1982.

the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date, has not less than thirty days before that date, been published in the official Gazette.

**9. Functions of a Provincial Bar Council.**--(1) Subject to the provisions of this Act and the rules made thereunder, the functions of a Provincial Bar Council shall be--

- (a) to admit persons as advocates on its roll; to hold examinations for purposes of admission; to prepare and maintain a roll of such advocates <sup>28</sup>[of the province as well as of each <sup>29</sup>[district]; and to remove advocates from such roll;
- (b) to admit persons as advocates entitled to practice before the High Court and to prepare and maintain a roll of such advocates;
- (c) to entertain and determine cases of misconduct against advocates on its rolls and to order punishment in such cases;
- (d) to safeguard the rights, privileges and interests of advocates on its rolls, including initiation of measures for fair and in-expensive dispensation of justice by the subordinate Courts and tribunals;
- (e) to promote and suggest law reform;
- (f) to manage and administer the property and funds of the Provincial Bar Council and to invest any of its funds;
- (g) to conduct the election of its members;
- <sup>30</sup>[(h) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, Bar Associations];
- (i) to perform all other functions conferred on it by or under this Act <sup>31</sup>[and to comply with directions given to it by the Pakistan Bar Council from time to time]; and
- (j) to do all other things necessary for discharging the aforesaid functions.

(2) A Provincial Bar Council may, in accordance with the rules framed by it, and within the limits of the funds at its disposal for that purpose, make free legal aid available to indigent litigants.

**10. Committees of Provincial Bar Council.**--(1) A Provincial Bar Council shall constitute the following standing Committees, namely:-

- (a) an executive Committee consisting of a Chairman and not more than five other members, to be elected by the Council from amongst its members;  
<sup>32</sup>[... ]

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28. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 6, with effect from 12.10.1978.

29. Substituted for the word "Division" through Act No. XII of 2005.

30. Substituted for the following through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 6 (a), with effect from 15.7.1982:

"(h) to prescribe conditions for the recognition of, and to recognise, Bar Association".

31. Inserted, *ibid*, Section 6(b).

32. The word "and" was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) Section 7(a), with effect from 15.7.1982.

- <sup>33</sup>[(aa) a disciplinary Committee consisting of not more than five members to be elected by the Council from amongst its members; and]
- (b) one or more enrolment committees, each consisting of a Judge of the High Court for the Province, <sup>34</sup>[...] nominated by the Chief Justice of that High Court, who shall be its Chairman, and two other members elected by the Council from amongst its members.
- (2) Each of the aforesaid committees shall have such powers and functions as may be prescribed.
- (3) A Provincial Bar Council may constitute, from amongst its members such other Committees as it may deem necessary for the performance of its functions under this Act, and may authorise any such committee to co-opt as its members any other persons, not exceeding such number as the Council may determine.
- (4) The Chairman of every committee shall be entitled to vote and; in case of equality of votes among the members of the committee, shall have a second vote.

## CHAPTER IV

### THE PAKISTAN BAR COUNCIL

<sup>35</sup>**[11. Composition of Pakistan Bar Council.--**(1) The Pakistan Bar Council shall consist of the Attorney General for Pakistan, *ex-officio*, and twenty members, who shall be

33. Inserted, *ibid*, Section 7(b).

34. The words "or Provinces, as the case may be" were omitted, *ibid*, Section 7(c).

35. The original Section 11 reads as under:--

**"11. Composition of Pakistan Bar Council.--**(1) The Pakistan Bar Council shall consist of the Attorney-General for Pakistan, *ex-officio*, and twenty [other] members, who shall be elected on the basis of a single transferable vote, by the members of the Provincial Bar Councils for the Provinces of North-West Frontier, the Punjab, Sindh [and] Baluchistan.

(2) A member of a Provincial Bar Council who is elected to be a member of the Pakistan Bar Council shall [not, by reason of such election] cease to be a member of the Provincial Bar Council".

By the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act) XXXVI of 1973) Section 3, the following new sub-section (3) was added to Section 11, with effect from 9.6.1973:--

"(3) No election of a member to the Pakistan Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if the notice of the date has, not less than thirty days before that date, been published in the official Gazette".

Section 11 was further amended through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 7, with effect from 12.10.78, as follow:-

(1) In sub-section (1):

- (a) the word "other" was omitted;
- (b) for the word "and" occurring for the second time a comma was substituted; and
- (c) for the full-stop at the end a colon was substituted and thereafter the following proviso was added:

"Provided that the Chairman of a Provincial Bar Council shall not be elected to be a member of the Pakistan Bar Council"

(2) In sub-section (2) the words and commas "not; by reason of such election" , were omitted; and

(3) After sub-section (3), the following new sub-sections were added:

(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.



elected on the basis of a single transferable vote by the members of the Provincial Bar Councils as hereinafter specified:-

Baluchistan .....	1
The North-West Frontier Province .....	<sup>36</sup> [4]
The Punjab .....	11
Sindh .....	6

<sup>37</sup>[(1A) The members of Pakistan Bar Council shall be elected by single transferable vote from each province by the members of their respective Provincial Bar Council.]

(2) A member of a Provincial Bar Council who is elected to be a member of the Pakistan Bar Council shall cease to be a member of the Provincial Bar Council.

(3) No election of a member to the Pakistan Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if the notice of the date has, not less than thirty days before that date, been published in the official Gazette.

(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

<sup>38</sup>[(5) ..... Omitted]

<sup>39</sup>**[11A. Qualifications for membership of Pakistan Bar Council.--**A person shall be qualified to be elected as a member of the Pakistan Bar Council if he--

- (a) is on the roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council;
- (b) has, on the day of the filling of the nomination paper, been an Advocate for not less than <sup>40</sup>[fifteen] years; and

(5) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII".

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) Section 8, sub-section (1) was substituted by the following with effect from 15.7.1982:-

"(1) The Pakistan Bar Council shall consist of the Attorney-General for Pakistan, *ex-officio*, and twenty members, who shall be elected on the basis of a single transferable vote by the members of the Provincial Bar Councils as hereinafter specified:-

Baluchistan.....	1
The North West Frontier Province.....	2
The Punjab .....	11
Sindh .....	6

(1A) In addition to the members referred to in sub-section (1), there shall be in the Pakistan Bar Council two members to be co-opted by the Council from amongst persons who have been Advocates of the Supreme Court for a period of not less than fifteen years and are qualified to be members of the Council".

- 36. Substituted for the figure "2" *vide* Act No. XII of 2005.
- 37. Present sub-section (1A) was inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 2005 (Act XII of 2005).
- 38. Sub-section (5) was omitted, *vide* Ordinance No. XVII of 1982 as above.
- 39. Sections 11A, 11B and 11C were inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 9, with effect from 15.7.1982.
- 40. Substituted for word "ten" *vide* Act No. XII of 2005.

(c) has cleared all the dues payable by him to the Pakistan Bar Council.

**11B. Disqualifications for membership of Pakistan Bar Council.**--A person shall be disqualified to be elected as a member of the Pakistan Bar council if he--

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

**11C. Cessation of membership of Pakistan Bar Council.**--A member of the Pakistan Bar Council shall cease to be such member if he-

- (a) is appointed to an office of profit in the service of Pakistan; or
- (b) is suspended or removed from practice under the provisions of Chapter VII; or
- (c) incurs any of the disqualifications specified in Section 11B].

**12. Chairman and Vice-Chairman of the Pakistan Bar Council.**--(1) The Attorney-General for Pakistan shall be the Chairman, *ex-officio*, of the Pakistan Bar Council.

<sup>41</sup>[(1A) If a member of the Pakistan Bar Council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant].

(2) There shall be a Vice-Chairman of the Pakistan Bar Council who shall be elected in the prescribed manner by the members of that Council from amongst themselves.

(3) Subject to the provisions of sub-section (7), the election of the Vice-Chairman shall be held as soon as may be after the commencement of every year and in any case not later than thirty-first day of January.

(4) Subject to the provisions of sub-sections (5) and (6), the Vice-Chairman shall hold office <sup>42</sup>[until his successor enters upon his office].

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

(6) A Vice-Chairman shall vacate his office if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII.

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41. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, (Ordinance XL of 1978) Section 8, with effect from 12.10.1978.

42. Inserted, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 10, with effect from 15.7.1982, for the words "till the thirty-first day of December in the year in which he assumes office".

(7) Where the office of a Vice-Chairman becomes vacant, an election to the vacant office shall be held in the manner prescribed under sub-section (2), within thirty days of the office becoming vacant.

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

**13. Functions of the Pakistan Bar Council.**—<sup>43</sup>[(1)] Subject to the provisions of this Act and the rules made thereunder, the functions of the Pakistan Bar Council shall be.—

- (a) to prepare and maintain a common roll of advocates;
- <sup>44</sup>[(b) to admit persons as advocates entitled to practise before the Supreme Court and to prepare and maintain a roll of such advocates and to remove advocates from such roll;
- (c) to entertain and determine cases of misconduct against advocates of the Supreme Court and to award punishment in such cases;]
- (d) to lay down standard of professional conduct and etiquette for advocates;
- (e) to lay down the procedure to be followed by its Committees;
- (f) to safeguard the rights, privileges and interests of advocates including initiation of measures for fair and inexpensive dispensation of justice by the subordinate Courts and tribunals;
- (g) to promote and suggest law reform;
- (h) to deal with and dispose of, and to tender advice in relation to any matter arising under this Act which may be referred to it by a Provincial Bar Council;
- (i) to exercise general control and supervision over the Provincial Bar Councils <sup>45</sup>[and to issue directions to them from time to time].
- (j) to promote legal education and prescribe standards of such education in consultation with the universities in Pakistan and the Provincial Bar Councils;
- (k) to recognize universities whose degree in law shall be a qualification for enrolment as an advocate;

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43. Section 13 was re-numbered as sub-section (1) of that Section with effect from 15.7.82 vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982, (Ordinance XVII of 1982) Section 11, and new sub-sections (2) and (3) were added. See foot note No. 38 also.

44. Clauses (b) and (c) of sub-section (1) of Section 13, read as under, were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 3, with effect from 2.3.1985:

"(b) to admit persons as advocates entitled to practise before the Supreme Court and to prepare and maintain a roll of such advocates and to remove advocates from such roll;

(c) to entertain and determine cases of misconduct against advocates of the Supreme Court in relation to proceedings in that Court and to award punishment in such cases;"

Through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 4 (a), the present text of clauses (b) and (c) was inserted with effect from 25.8.1987.

45. Added by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 11(a)(i), with effect from 15.7.1982.

- (l) to manage and administer the property and funds of the Pakistan Bar Council, and to invest any of its funds;
- <sup>46</sup>[(la) to provide free legal aid;
- (lb) to hold conferences, seminars, moots, lectures, jurist conferences and other meetings for promoting legal knowledge and learning in the legal profession;
- (lc) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, the Supreme Court Bar Association or any Bar Association at the national level;
- (ld) to give directions in accordance with the provisions of this Act to the Provincial Bar Councils in respect of the recognition, derecognition and functioning of Bar Association];
- (m) to perform all other functions conferred on it by or under this Act;
- (n) to do all other things necessary for discharging the aforesaid functions.

<sup>47</sup>[(2) Any person aggrieved by an order or decision of a Provincial Bar Council, [the Supreme Court Bar Association or a Bar Association at the national level] may, within thirty days of such order or decision, prefer an appeal to the Pakistan Bar Council, whose decision in such appeal shall be final].

<sup>48</sup>[(3) The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under sub-section (2)].

**14. The first Pakistan Bar Council.**--As soon as may be, after the constitution of the Provincial Bar Councils under this Act, the first Pakistan Bar Council shall be constituted in accordance with the provisions of Section 11.

**15. Committees of the Pakistan Bar Council.**--(1) The Pakistan Bar Council shall constitute the following Committees, namely:--

- (a) a disciplinary Committee consisting of a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be its Chairman, and four other members elected by the Council from amongst its members:

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46. Inserted, *ibid*, Section 11(a)(ii).

47. The following new sub-sections (2) and (3) were added to Section 13 on 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 11(1):--

"(2) Any person aggrieved by an order or decision of a Provincial Bar Council may, within thirty days of such order or decision, prefer an appeal to the Pakistan Bar Council, whose decision in such appeal shall be final.

(3) The Pakistan Bar Council may at any time, of its own motion or otherwise, call for the record of any proceeding which is pending before, or of any meeting which has been held by, a Provincial Bar Council or Bar Association, for the purpose of satisfying itself as to the correctness, legality or propriety of anything done therein, and may give such directions in relation thereto as the Pakistan Bar Council may think fit; and such directions shall be binding both on the Provincial Bar Council or Bar Association concerned and the person to whom it relates."

By the Legal Practitioners and Bar Councils (Amendment) Act, 1987, (Act VIII of 1987) Section 4(b), the words "the Supreme Court Bar Association or a Bar Association at the national level" were inserted between the words "Provincial Bar Council" and "may" in sub-section (2), with effect from 25-8-87.

48. Substituted, *ibid*, Section 4 (c), for sub-section (3), mentioned under foot note No. 38.

Provided that the Attorney-General for Pakistan shall not be a member of the disciplinary Committee;

- (b) an executive Committee consisting of seven members elected by the Council from amongst its members; and
- (c) an enrolment Committee consisting of a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be its Chairman, and two other members elected by the Council from amongst its members.

(2) The Pakistan Bar Council may constitute from amongst its members such other Committees, including a legal education Committee, as it may deem necessary for the performance of its functions under this Act, and may authorize any such Committee to co-opt as its members any other persons, not exceeding such number as the Council may determine.

(3) The Chairman of every Committee shall be entitled to vote and, in case of equality of votes among the members of the Committee, shall have a second vote.

## CHAPTER V

### GENERAL PROVISIONS RELATING TO BAR COUNCILS

**16. Filling of casual vacancies.**--If the seat of a member of a Bar Council becomes vacant during the term of office of the Council,--

- <sup>49</sup>(a) In case of the Pakistan Bar Council, the vacancy shall be filled by the person who received in the last elections from the same province the highest number of single transferable votes next after the member, the vacancy in whose seat

49. The Original clauses (a) and (b) of Section 16, read as under--

- "(a) for filling a vacancy in the Pakistan Bar Council, the provisions of Section 11 shall apply *mutatis mutandis*; and
- (b) for filling a vacancy in a Provincial Bar Council, the provisions of Section 5 shall apply *mutatis mutandis*."

These clauses were substituted by the following through the Legal Practitioners and Bar Councils (Amendment) Act, 1975 (Act LII of 1975) Section 2, with effect from 26.7.1975--

- "(a) in the case of the Pakistan Bar Council, the vacancy shall be filled by a person elected in accordance with the provisions of Section 11; and
- (b) in the case of a Provincial Bar Council, the vacancy shall be filled by the person who received, in the same election and from the same districts or, as the case may be, group of districts, the highest number of votes next after the member the vacancy in whose seat is to be filled or if there be no such person by a person eligible for election to that Council from the same district, as the case may be, group of districts, who is co-opted by the Provincial Bar Council."

The above clauses were again substituted, with effect from 15.7.82, by the following vide Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 12:-

- "(a) In the case of the Pakistan Bar Council, the vacancy shall be filled by a person who is co-opted by the Pakistan Bar Council from amongst persons belonging to the same province to which the vacancy relates who are qualified to be members of the Pakistan Bar Council; and
- (b) in the case of a Provincial Bar Council, the vacancy shall be filled by a person who is co-opted by the Provincial Bar Council from amongst persons belonging to the district or districts to which the vacancy relates who are qualified to be members of the Provincial Bar Council."

Clauses (a) and (b) were again amended through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 5.

Clause (a) of Section 16 earlier brought about vide Act VIII of 1987 was substituted by the present one through Act No. XII of 2005.

is to be filled or if there be no such person then the vacancy shall be filled by a person elected in accordance with the provisions of Section 11;

- (b) in the case of a Provincial Bar Council, the vacancy shall be filled by the person who received, in the same election and from the same district or, as the case may be, group of districts, the highest number of votes next after the member the vacancy in whose seat is to be filled, or if there be no such person, by a person eligible for election to that Council from the same districts or, as the case may be, group of districts, who is co-opted by the Provincial Bar council].

**17. Funds of Bar Councils.--**(1) All sums received by a Provincial Bar Council as enrolment fees or as grants, donations or subscriptions shall form part of the fund of that Council and that fund, subject to the provisions of sub-section (2), shall be managed, administered and utilized in such manner as may be prescribed.

<sup>50</sup>[(2) Every person applying for enrolment as an advocate or an advocate of the High Court shall pay one-third of the prescribed fee to the Pakistan Bar Council and the balance to the Provincial Bar Council concerned, in such manner as may be prescribed by the Pakistan Bar Council].

(3) All sums received by the Pakistan Bar Council under sub-section (2) or as enrolment fees, grants, donations or subscriptions shall form part of the fund of that Council and that fund shall be managed, administered and utilized in such manner as may be prescribed.

**18. Accounts and Audit.--**(1) Every Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

(2) The accounts of a Bar Council shall be audited by an auditor who is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), at such times and in such manner as may be prescribed.

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

**19. Vacancies in Bar Councils, etc., not to invalidate action taken.--**No act done by a Bar Council or any Tribunal or Committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, such Council, Tribunal or Committee.

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50. Originally framed sub-section (2) of Section 17 reads:

"(2) Every Provincial Bar Council shall within thirty days of the close of a financial year pay to the Pakistan Bar Council a sum equal to [twenty] percent, of the total sum received by it during that financial year as enrolment fees and fees for permission to practice before the High Court."

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 9, the word "twenty" appearing in original sub-section (2) was substituted by the words "thirty three and one third"

The amended sub-section (2), as aforementioned, was substituted by the present text, vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 13, with effect from 15.7.1982.

**20. Indemnity.**--No suit or other legal proceedings shall lie against any Bar Council or any Committee, Tribunal, member, officer or servant of the Bar Council for any act in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

## CHAPTER VI

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

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

- (a) senior advocates of the Supreme Court;
- (b) advocates of the Supreme Court <sup>51</sup>[including advocates-on-record];
- (c) advocates of the High Court; and
- (d) other advocates.

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

<sup>52</sup>(2) Subject to the provisions of this Act and the Rules made thereunder,--

51. Added through Act No. XII of 2005.

52. The original sub-section (2) of Section 22 reads as under:

"(2) Subject to the provisions of this Act, the rules made thereunder and any other law for the time being in force,--

- (a) an advocate of the Supreme Court or a High Court shall be entitled as of right to practice throughout Pakistan, and to appear, act and plead before any Court or tribunal in Pakistan; and
- (b) any other advocate shall be entitled as of right to practice throughout the Province or Provinces for which the Bar Council, on whose roll his name is entered, has been constituted, and to appear, act and plead before any Court or tribunal in such Province or Provinces other than the High Court."

By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985), Section 4, for the original sub-section (2) of Section 22, as aforementioned, the following was substituted with effect from 2.2.1985:--

"(2) Subject to Article 207 of the Constitution and the provisions of this act and the rules made thereunder, an advocate shall be entitled as of right to practice,--

- (a) in the case of an Advocate of the Supreme Court, in the Supreme Court, and in or before any High Court or other Court, tribunal, person or authority who or which is legally authorized to take evidence: and
- (c) in the case of any other Advocate,--
  - (i) in the High Court of which he is an Advocate;
  - (ii) save as otherwise provided by sub-section (2-A) or by or under any other law for the time being in force, in any other Court in Pakistan, including a High Court, and before any other tribunal or person legally authorized to take evidence; and
  - (iii) before any other authority or person before whom such Advocate is by or under the law for the time being in force entitled to practise.

(2A) Where rules have been made by any High Court regulating the conditions subject to which Advocates of other High Courts may be permitted to practise in the High Court, such Advocates shall not be entitled to practise therein otherwise than subject to such conditions."

Sub-section (2), as aforementioned, was again amended and substituted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 6, with effect from 25.8.1987.

The present text of sub-section (2) of Section 22 was substituted through Act No. XII of 2005.

- (a) an advocate of the Supreme Court shall be entitled as of right to practice throughout Pakistan and to appear, act and plead before any Court or Tribunal or any Judicial authority in Pakistan;
- (b) an advocate of a High Court shall be entitled as of right to practice throughout Pakistan and to appear, act and plead before any Court, Tribunal or any Judicial authority in Pakistan except the Supreme Court; and
- (c) any other advocate shall be entitled as of right to practice throughout the Province where he is enrolled to appear, act and plead before any Court, Tribunal or any Judicial authority in such Province other than the High Court.

(2A) Where rules have been made by any High Court regulating the conditions subject to which advocates of other High Courts may be permitted to practice in the High Court, such advocates shall not be entitled to practice therein otherwise than subject to such conditions].

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

Provided that nothing in this sub-section shall apply to-

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

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

<sup>53</sup>[**23. Roll of advocates of the Supreme Court.**--The Pakistan Bar Council shall prepare and maintain a roll of advocates of the Supreme Court in which shall be entered the names of all persons who are senior advocates or advocates including advocates-on-record, entitled to practice in the Supreme Court.]

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53. The original Section 23 reads as under:--

**"23. Admission and enrolment of Advocates of the Supreme Court.**--The Pakistan Bar Council shall prepare and maintain a roll of advocates of the Supreme Court in which shall be entered the names of,--

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

By the Legal Practitioners and Bar Councils (Amendment) Ordinance. 1984 (Ordinance XVI of 1984), Section 2, the following proviso was added to Section 23, with effect from 23.5.1984:

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

By the Legal Practitioners and Bar Councils (Amendment) Ordinance. 1985 (Ordinance XVI of 1985) Section 5, the aforesaid Section 23, as amended, was omitted with effect from 2.3.1985.

Section 23 was again amended with effect from 25.8.87, by the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 7.

The present text of Section 23 was substituted for previous one through Act No. XII of 2005.



**24. Admission and enrolment of Advocates of the High Court.**--<sup>54</sup>[.....] Each Provincial Bar Council shall prepare and maintain <sup>55</sup>[for the Province and each <sup>56</sup>[District] in the Province two separate rolls] of advocates of the High Court in which shall be entered the names of,--

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

<sup>57</sup>[(2) ..... Omitted]

**25. Admission and enrolment of other advocates.**--<sup>58</sup>[(1)] Each Provincial Bar Council shall, besides the <sup>59</sup>[rolls] of advocates to be prepared and maintained by it under Section 24, prepare and maintain <sup>60</sup>[for the Province and each Division in the Province two separate rolls] of advocates in which shall be entered the names of--

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

<sup>61</sup>[(2) ..... Omitted]

**26. Persons qualified for admission as advocates.**--<sup>62</sup>[ ] Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate if he fulfils the following conditions, namely:-

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54. Section 24 was re-numbered as sub-section (1) of that Section on 12.10.1978 vide the Legal Practitioners and Bar Councils (amendment) Ordinance, 1978, (Ordinance XL of 1978) Section 10. Brackets and figure "(1)" in the beginning were omitted *vide* Act XII of 2005.

55. Substituted, *ibid*, Section 10(a), for the words "a roll"

56. Sub. *vide* Act XII of 2005.

57. The following sub-section (2) was added, *ibid*, Section 10(b), but by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance XXVII of 1981) Section 3 and Sch. II the same was omitted with effect from 8.7.1981:

"(2) Notwithstanding anything contained in sub-section (1) all advocates who, immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sindh and Baluchistan Bar Council and were practicing generally at any place within the Province of Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978."

58. Section 25 was re-numbered as sub-section (1) of that Section vide the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 11.

59. Substituted, *ibid*, Section 11(a), for the word "roll".

60. Substituted, *ibid* Section 11(b), for the words "a roll".

61. The following sub-section (2) was added, *ibid*, Section 11(c), but through the Federal Laws (Revision and Declaration) Ordinance, 1981 ( Ordinance XXVII of 1981), Section 3 and Sch. II, the same was omitted with effect from 8.7.1981:

"2" Notwithstanding anything contained in sub-section (1) all advocates who, being entitled, immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, to practise in any Court subordinate to the High Courts of Sindh and Baluchistan were entered on the roll of the Sindh and Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978."

62. The brackets and figure "(1)" were omitted *vide* Act XII of 2005.

- (a) he is a citizen of Pakistan or a person deriving his nationality from the State of Jammu and Kashmir:

Provided that, subject to the other provisions of this Act, a national of any other country <sup>63</sup>[who has resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission] may be admitted as an advocate if citizens of Pakistan duly qualified are permitted to practise law in that other country;

- (b) he has completed the age of twenty-one years;
- (c) he is a Barrister or is or was enrolled as an advocate of a High Court in any area which before the fourteenth day of August, 1947, was comprised within India as defined by the Government of India Act, 1935 (26 Geo. 5, c 2), or has obtained--
- (i) before the 7th day of February, 1966, a degree in law from any university in Pakistan; or
- (ii) before the fourteenth day of August, 1947, a degree in law from any university in any area which was comprised before that date within India as defined by the Government of India Act, 1935 (26 Geo 5, c 2); or
- <sup>64</sup>(iii) a degree in law from a university in Pakistan or abroad recognized by the Pakistan Bar Council; and]
- (d) he has undergone such course of training and passed such examination after the training as may be prescribed by the Pakistan Bar council:

Provided that this clause shall not apply to any class of persons who, by reason of their legal training or experience, are declared by the Pakistan Bar Council to be exempt from the provisions of this clause; and

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

<sup>65</sup>[(2) Omitted.

(3) Omitted]

**27. Persons qualified for admission as advocates of a High Court.**--Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as an advocate of a High Court if he fulfils the following conditions, namely:-

- (a) he has practised as an advocate, vakil or pleader before subordinate Courts in Pakistan for a period of not less than two years; or

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63. Inserted by the Legal Practitioners and Bar Councils (Amendment) Act, 1976) Section 2, with effect from 19.4.1976.

64. Substituted vide Act XII of 2005 for the following:-

“(iii) a Bachelors degree in any subject other than law from a University in Pakistan, or from a University outside Pakistan recognized by the Pakistan Bar Council and a degree in law from a like University.”

65. Omitted through Act XII of 2005.

- (b) he has practiced outside Pakistan as an advocate before any High Court specified in this behalf by the Pakistan Bar Council; or
- (c) he has, for reason of his legal training or experience, been exempted by the Provincial Bar Council, with the previous approval of the High Court, from the requirements of clause (a) and clause (b); and
- (d) he has paid such enrolment fee and fulfils such other conditions as may be prescribed by the Pakistan Bar Council.

<sup>66</sup>[**28. Persons qualified for admission as advocates of the Supreme Court.--** Subject to the provisions of this Act and the rules made thereunder, a person shall be qualified to be admitted as a senior advocate and an advocate of the Supreme Court including an advocate-on-record if he fulfils such conditions as may be laid down in this behalf from time to time by the Rules of Pakistan Bar Council and has paid such enrolment fee or other dues as may be prescribed by that Council.]

<sup>67</sup>[**28A. Persons disqualified to be enrolled as advocate.--**A person shall be disqualified from being admitted as an advocate of any Court if--

- (a) he was dismissed or removed from service of Government or of a public statutory corporation on a charge involving misconduct or moral turpitude; or
- (b) he has been convicted for an offence involving moral turpitude by a Court; or
- (c) he has been declared a tout and such declaration has not been withdrawn.]

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

**30. Authority to whom applications for enrolment may be made.--**An application for admission as an advocate, other than an advocate of the Supreme Court, shall be made in the prescribed form to the Provincial Bar Council within whose jurisdiction the applicant proposes to practise generally <sup>68</sup>[; and an application for admission as an advocate of the Supreme Court shall be made in the prescribed form to the Pakistan Bar Council.]

**31. Disposal of applications for admission as an advocate.--**(1) All applications for admission as an advocate received by a Bar Council shall be referred to its enrolment Committee.

(2) The enrolment Committee may either grant the application or return it to the Bar Council recording its reasons for not granting the application.

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66. Section 28 was omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 7, which was again inserted on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 9. Present text was substituted through Act No. XII of 2005.

67. Added through Act XII of 2005.

68. The semicolon and words"; and an application for admission as an Advocate of the Supreme Court shall be made in the prescribed form to the Pakistan Bar Council" were omitted on 2.3.1985 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 8, which were again added on 25.8.1987 through the Legal Practitioners & Bar Councils (Amendment) Act, 1987 (Act VIII of 1987), Section 10.

(3) Where any application is returned to a Bar Council under sub-section (2), the Bar Council may, after considering the reasons recorded by the enrolment Committee, either grant or reject the application.

**32. Appeal against order of rejection.**--Where any application for admission as an advocate is rejected by a Provincial Bar Council, the applicant may, within such period and in such manner as may be prescribed, appeal to the enrolment Committee of the Pakistan Bar Council, and the decision of that Committee on such appeal shall be final.

**33. No applicant rejected by one Provincial Bar Council to be enrolled by another such Council.**--Where a Provincial Bar Council has rejected the application of any person for admission as an advocate,--

(a) it shall circulate to all the other Provincial Bar Councils the name of such person together with the reasons for the rejection of his application;

(b) no other Provincial Bar Council shall entertain an application for admission of such person as an advocate except with the previous consent in writing of the Provincial Bar Council which rejected the application.

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

(a) fee for enrolment as an advocate or an Advocate of the High Court, which shall be fixed after consultation with the High Court, to be paid to the Provincial Bar Council <sup>69</sup>[and the Pakistan Bar Council in accordance with sub-section (2) of Section 17].

<sup>70</sup>[(b) fee for enrolment as an advocate of the Supreme Court which shall be fixed after consultation with the Supreme Court, to be paid to the Pakistan Bar Council; and]

(c) annual fee payable by advocates to the Bar Council on whose roll their names are entered:

Provided that no person whose name is entered on the roll under clause (a) of Section 25, clause (a) of Section 24 <sup>71</sup>[or clause (a) of Section 23] as an advocate, an advocate of the High Court <sup>71</sup>[or an advocate of the Supreme Court] shall be required to pay the fee for enrolment as such advocate.

69. The words, brackets and figures "and the Pakistan Bar Council in accordance with sub-section (2) of Section 17" were inserted with effect from 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 14.

70. Clause (b) of Section 34 was omitted, with effect from 2.3.85, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 9(a)(c). The same was again inserted on 25.8.1987 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 11(a)(i).

71. The words, brackets, letter and figure "or clause (a) of Section 23" and the words "or an Advocate of the Supreme Court" in proviso to sub-section (1) of Section 34 were omitted, with effect from 2.3.85, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 9(a)(ii). The same were again inserted on 25.8.1987, through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987), Section 11 (a) (ii).

(2) The fee referred to in clause (a) <sup>72</sup>[or clause (b)] of sub-section (1) may be paid in such instalments, if any, as may be prescribed.

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

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

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

**35. Order in which names shall be entered in the roll.--**(1) Entries in the roll shall be made in the order of seniority and such seniority shall be determined as follows, namely--

- (a) all such persons as are referred to in <sup>73</sup>[clause (a) of Section 23,] clause (a) of Section 24 or clause (a) of Section 25 shall be entered first in the order in which they were respectively entitled to seniority inter se immediately before the commencement of this Act; and
- (b) the seniority of any other person admitted, after that date, to be an advocate or an advocate of the High Court <sup>71</sup>[or an advocate of the Supreme Court] shall be determined by the date of his admission:

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

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

**36. Certificate of enrolment.--**A Bar Council shall issue a certificate of enrolment in the prescribed form to every person enrolled under Section <sup>74</sup>[31].

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72. The words brackets and letter "or clause (b)".in sub-section (2) of Section 34, were omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 9 (b), The same were again inserted on 25.8.87 vide the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 11(b).

73. The words, brackets, figure and comma "clause (a) of Section 23", and the words "or an Advocate of the Supreme Court" in clauses (a) and (b) of sub-section (1) of Section 35, respectively, were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 10, on 2.3.1985. The same words, brackets, figure and comma were again inserted in both the clauses, as were before the omission, on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 23.

74. Substituted for the figure "35", vide Act XII of 2005.

**37. Copy of roll to be kept with** <sup>75</sup>[Supreme Court and] High Court.--<sup>70</sup>[(1) The Pakistan Bar Council shall send to the Supreme Court an authenticated copy of the roll as prepared under Section 23 and shall thereafter communicate to the Supreme Court all alterations in, and additions to, the roll as soon as the same have been made].

(2) The Provincial Bar Council shall send to the High Court a copy of the rolls as prepared under Section 24 and Section 25 and shall thereafter communicate to the High Court all alterations in, and additions to, any such roll as soon as the same have been made.

**38. Copies of rolls to be sent to Pakistan Bar Council.**--Each Provincial Bar Council shall send to the Pakistan Bar Council an authenticated copy of the roll of advocates of the High Court and the roll of the other advocates prepared by it for the first time under this Act and shall thereafter communicate to the Pakistan Bar Council all alterations in, and additions to, any such roll as soon as the same have been made.

**39. Common roll of Advocates.**--The Pakistan Bar Council shall prepare and maintain a common roll of advocates of the High Court and a common roll of the other advocates which shall comprise the entries made in all the Provincial rolls of the advocates of the High Court or as the case may be, of the other advocates.

(2) Entries in the common roll shall be in the order of seniority which shall be determined in accordance with the principles laid down in Section 35.

<sup>76</sup>**39A. Cessation to practice as an advocate.**--Any advocate who incurs any of the disqualifications enumerated in Section 28A shall cease to be an advocate and his name shall be removed from the concerned roll of the advocates.

**39B. Powers of disciplinary Committee.**--If any person referred to in Section 39A, practices in contravention of this Act or the Rules made thereunder then--

- (a) in case of a senior advocate of the Supreme Court or advocate of the Supreme Court including an advocate-on-record, the disciplinary Committee of the Pakistan Bar Council; and
- (b) in case of any other advocate, the disciplinary Committee of a Provincial Bar Council,

may of its own motion or otherwise take cognizance thereof and proceed against him under this Chapter for such disciplinary action as is provided by law, in addition to criminal prosecution of such person under Section 58 of this Act.

**39C. Provisions of Sections 39A and 39B to apply.**--The provisions of Sections 39 A and 39B shall apply mutatis mutandis to an advocate who contravenes any provision of this Act or the Rules made thereunder.]

**40. Right of pre-audience.**--(1) The Attorney General for Pakistan shall have the right of pre-audience over all other advocates.

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75. The words "Supreme Court and " in the marginal heading of Section 37, and sub-section (1) of the said Section were omitted on 2.3.85 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 11. The same, as appears from the present text, were again inserted on 25.8.87 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 13.

76. Added through Act XII of 2005.

(2) Subject to sub-section (1), the Advocate General of a Province shall have the right of pre-audience over all other advocates; and the right of pre-audience among the Advocates-General shall be determined by the date of appointment to their respective offices.

<sup>77</sup>[(2A) Omitted];

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

<sup>78</sup>[(4) Omitted]

## <sup>79</sup>[CHAPTER VII]

### CONDUCT OF ADVOCATES

**41. Punishment of advocates for misconduct.**<sup>80</sup>[(1) An advocate may, in the manner hereinafter provided, be reprimanded, suspended, removed from practice or be

77. Omitted through Act No. XII of 2005.

78. Omitted through Act No. XII of 2005.

79. The original Chapter VII relating to "Conduct of Advocates" reads as follow:

#### "CHAPTER VII--CONDUCT OF ADVOCATES

**41. Punishment of Advocates for misconduct.**—(1) An advocate may, in the manner hereinafter provided, be reprimanded, suspended or removed from practice if he is found guilty of professional or other misconduct.

(2) A complaint that an advocate has been guilty of misconduct may be made by any Court or person.--

(a) In the case of an advocate of the Supreme Court in relation to the proceedings of that Court, to the Pakistan Bar Councils; and

(b) in any other case, to the Provincial Bar Council.

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

(4) Upon receipt of a complaint made to it under sub-section (2) against any advocate, the Bar Council shall, unless it summarily rejects the complaint, refer the case:--

(a) if the complaint in respect of failure to render professional service for fee paid, or to return papers, or to repay balance of money received, for conciliation to a conciliation Committee appointed by it and consisting of two persons selected out of a panel of senior advocates practicing in the district in which such advocate practises generally (hereinafter referred to as the Conciliation Committee); and

(b) if the complaint discloses actions involving moral turpitude, or defeat of justice or serious breaches of professional conduct, for inquiry Committee appointed by it and consisting of two persons selected as aforesaid (hereinafter referred to as the Inquiry Committee);

Provided that the Bar Council shall not summarily reject a complaint made by the Supreme Court or a High Court.

(5) If a Bar Council has reason to believe that an advocate has been guilty of misconduct, it may, of its own motion, refer the case to an Inquiry Committee.

(6) An inquiry into, and conciliation proceedings in relation to, a complaint against an advocate, shall be held at the headquarters of the Bar Council or of the district in which he practices generally.

(7) A Conciliation Committee shall proceed to conciliate in the matter referred to it for conciliation and.--

(a) if a settlement is arrived at in the course of the proceedings before it, shall send a report thereof to the Bar Council concerned together with a memorandum of settlement signed by the parties to the proceedings; and

(b) if no settlement is arrived at as aforesaid shall inform the Bar Council concerned of such failure.

(8) An Inquiry Committee shall, after making such inquiry and giving the parties opportunity of being heard as it may consider necessary, make a report for a final hearing and decision to a tribunal specified by the Bar Council in this behalf.

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

made to pay such amount of compensation, fine or penalty as may be ordered, if he is found guilty of professional or other misconduct.]

**42. Tribunals of Bar Councils.--**(1) The Pakistan Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be the Chairman.

(2) A Provincial Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice of that Court, who shall be the Chairman.

**43. Procedure in inquiries.--**(1) In inquiries relating to conduct of advocates, the Tribunal shall, except as hereinafter provided, follow such procedure as may be prescribed.

(2) The Tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complainant, to the advocate concerned and to the Advocate- General of the Province and shall afford to the complainant, the advocate concerned and the Advocate-General an opportunity of leading evidence, if any, and of being heard before orders are passed in the case.

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

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

(5) On completion of the inquiry, the Tribunal may either dismiss the complaint or, where reference to the Inquiry Committee on whose report the matter has come before the Tribunal was made at the motion of a Bar Council, direct that the proceedings be filed: or it may make an order imposing any of the penalties referred to in sub-section (1) of Section 41.

(6) Where the Tribunal makes an order for the suspension of an advocate from practice, it shall specify the period of suspension, and for that period the advocate shall be debarred from practising in any Court or before any authority or person in Pakistan.

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

(8) When any advocate is reprimanded or suspended from practice under this Act, a record of the punishment shall be entered against his name in the Provincial roll or, as the case may be, the roll of advocates of the Supreme Court maintained by the Pakistan Bar Council, and the common roll, and when advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

**44. Order as to costs.--**(1) An Inquiry Committee and a Tribunal may make such order as to costs of proceedings before it as it may deem fit; and where the Committee or, as the case may be, the Tribunal is of the opinion that the complaint made against an advocate is false and vexatious, it may, without prejudice to any other remedy available to the advocate, impose upon the complainant compensatory costs not exceeding a sum of five hundred rupees:

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

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

(3) Subject to sub-section (2), every order of the Inquiry Committee or the Tribunal under sub-section (1) shall be executable,--

- (a) if the Committee is appointed, or the Tribunal is constituted, by the Pakistan Bar Council, as if it were an order of the Supreme Court; and
- (b) if the Committee is appointed or the Tribunal is constituted, by a Provincial Bar Council, as if it were an order of the High Court.

**45. Powers of the Tribunal and Inquiry Committee in inquiries.--**(1) For the purposes of any such inquiry as aforesaid, an Inquiry Committee and a Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters namely,--

- (a) enforcing the attendance of any person,



(2) A complaint that an advocate has been guilty of misconduct may be made by any Court or person.--

- (a) in the case of an advocate of the Supreme Court to the Pakistan Bar Council; and
- (b) in any other case, to the Provincial Bar Council.

(3) Every complaint against an advocate made under sub-section (2), except where the complaint has been made by a Court, shall be accompanied by <sup>81</sup>[such fee as may be prescribed by the Pakistan Bar Council from time to time.]

(4) Upon receipt of a complaint under sub-section (2) against any advocate, the disciplinary Committee of the Bar Council may, unless it summarily rejects the complaint,

- (b) compelling the production of documents, and
- (c) issuing commissions for the examination of witnesses:

Provided that the Inquiry Committee or the Tribunal shall not have powers to require the attendance of the presiding officer of any Civil or Criminal Court save with the previous sanction of the High Court or, in the case of the presiding officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860); and an Inquiry Committee and a Tribunal shall be deemed to be a Civil Court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

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

- (a) the local limits of the jurisdiction of an Inquiry Committee and a Tribunal shall be those of the jurisdiction of the Bar Council by which the Committee has been appointed or, as the case may be, the Tribunal has been constituted; and
- (b) an Inquiry Committee and a Tribunal may send to any Civil Court having jurisdiction in the place where the Committee or, as the case may be, the Tribunal is sitting, any summons or other process for the attendance of a witness of the production of a document required by the Committee or Tribunal, or any commission which it desires to issue, and the civil Court shall serve such process or issue such commission, as the case may be and may enforce any such process as if it were process for attendance or production before itself.

(4) Proceedings before an Inquiry Committee or a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of Section 132 of the Evidence Act, 1872 (I of 1872), and the provisions of that Section shall apply accordingly.

**46. Disciplinary power of the Pakistan Council.**—(1) Notwithstanding anything contained in this Chapter, the Disciplinary Committee of the Pakistan Bar Council may, of its own motion, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before a Provincial Bar Council or any Conciliation Committee or inquiry Committee appointed by it, and dispose of the same.

(2) In disposing of any case under this Section, the Disciplinary Committee of the Pakistan Bar Council shall observe, so far as may be, the procedure laid down in Section 43, the reference to the "Advocate-General" in that Section being construed as reference to the "Attorney General for Pakistan".

(3) In disposing of any case under this Section, the Disciplinary Committee of the Pakistan Bar Council may make any order which the Tribunal can make under Section 43, and the Tribunal shall give effect to any such order.

**47. Appeal to the Pakistan Bar Council.**—(1) Any person aggrieved by an order of a Tribunal under Section 43 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Pakistan Bar Council.

(2) Every such appeal shall be heard by the Disciplinary Committee of the Pakistan Bar Council which may pass such order thereon as it may deem fit.

after making such enquiry and giving the parties such opportunity of being heard as it may consider necessary either reject the complaint or refer the same to a Tribunal for decision:

Provided that the disciplinary Committee shall not summarily reject a complaint made by the Supreme Court or a High Court.

<sup>82</sup>[(4A) If a Bar Council has reasons to believe that an advocate has been guilty of professional or other misconduct, it may of its own motion refer the case to its disciplinary Committee.]

(5) Any person whose complaint is rejected by the disciplinary Committee under sub-section (4) may within thirty days of the day on which the order of the Committee is

**48. Appeal to the Supreme Court.**--Any person aggrieved by an order made by the Disciplinary Committee of the Pakistan Bar Council under sub-section (3) of Section 46 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Supreme Court which may pass such order thereon as it may deem fit.

**49. Application of Sections 5 and 12 of the Limitation Act, 1908.**--The provisions of Sections 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall so far as may be, apply to appeals made under Section 47 or Section 48.

**50. Stay of order.**--Any appeal made under Section 47 or Section 48 shall not operate as a stay of the order appealed against but the Disciplinary Committee of the Pakistan Bar Council or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

**51. Powers of the Disciplinary Committee.**--The Disciplinary Committee of the Pakistan Bar Council shall have the same powers as are vested in a Tribunal by Section 45 and that Section shall apply to the Disciplinary Committee, the reference to the "Tribunal" in that Section being construed as a reference to the "Disciplinary Committee of the Pakistan Bar Council".

**52. Cost of proceedings before a Disciplinary Committee.**--The Disciplinary Committee of the Pakistan Bar Council may make such order as to the costs of proceedings before it as it may deem fit and any such order shall be executable as if it were an order of the Supreme Court.

**53. Review of order by a Disciplinary Committee.**--The Disciplinary Committee of the Pakistan Bar Council may of its own motion or otherwise review any order passed by it under this Chapter.

**54. Powers of Supreme Court and High Courts to suspend advocates from practice.**--(1) The Supreme Court or a High Court may, while making a complaint under sub-section (2) of Section 41 against an advocate, make an order for the suspension of the advocate from practice if, after hearing such advocate, the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) On a complaint made to it against an advocate by a Court subordinate to it, the High Court may,--

- (a) make an order under sub-section (1) in respect of such advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Bar Council, is expedient or necessary in the public interest and forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or
- (b) without making any order under sub-section (1). forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or
- (c) direct that no further action need be taken in respect of the complaint.

(3) An order under sub-section (1) or sub-section (2) for the suspension of an advocate from practice shall remain in force until the complaint against the advocate is disposed of by the Tribunal under Section 43, unless on review the Court making the order, for reasons to be recorded, vacates it earlier.

Sub-sections (4), (5), (6), (7), (8) and (9) of the aforesaid original Section 41 were substitute by the following through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 15, with effect from 15.7.1982--

communicated to him, prefer an appeal to the tribunal, whose decision in such appeal shall be final.

**42. Tribunals of Bar Councils.**—(1) The Pakistan Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, who shall be the Chairman.

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"(4) upon receipt of a complaint under sub-section (2) against any advocate, the Disciplinary Committee of the Bar Council may, unless it summarily rejects the complaint, after making such enquiry and giving the parties such opportunity of being heard as it may consider necessary, either reject the complaint or refer the case to a Tribunal for decision:

Provided that the Disciplinary Committee shall not summarily reject a complaint made by the Supreme Court or a High Court.

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

In the aforesaid sub-section (5) of original Section 43 the words "the complaint referred to" were substituted for the word "reference to the Inquiry Committee on whose report the matter has come before", *ibid*, Section 17.

The words "An Inquiry Committee", "an inquiry Committee" and "inquiry Committee" appeared in the aforesaid sub-sections (1), (2) and (3) of original Section 44 were substituted by the words "A Disciplinary Committee", a Disciplinary Committee", respectively, *ibid*, Section 17.

In the aforesaid sub-section (1) its proviso and sub-sections (2), (3) and (4) of original Section 45. the words "an Inquiry Committee" were substituted by the words "a Disciplinary Committee", *ibid*, Section 18.

In the above-said sub-section (1) of original Section 46 the words "any conciliation Committee or Inquiry Committee appointed by it" were substituted by the words "the Disciplinary Committee thereof", *ibid*, S. 19.

-- The afore-said sub-section (3) of original Section 54 was omitted, *ibid*, Section 20,

-- The following new Section 54-A was inserted in Chapter VII, *ibid*, Section 21:--

**"54A.--Time for disposal of disciplinary matters.**—The Disciplinary Committee and a Tribunal shall dispose of a complaint against an advocate within three months of the day on which the complaint is received by it; and, if the complaint is not disposed of within that period the order under sub-section (1) or sub-section (2) of Section 54 for the suspension of the advocate from practice, if any, shall stand vacated on the expiration of that period, unless on review the Court making the order, for reasons to be recorded, vacates it earlier."

— The aforesaid Chapter VII, as amended, was substituted by the following, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 13, with effect from 2.3.1985:--

#### **"CHAPTER VII-MISCONDUCT**

**41. Punishment of Advocate for misconduct.**—(1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any Advocate of the High Court whom it finds guilty of professional or other misconduct.

(2) Upon receipt of a complaint made to it by any Court or by any person that any such Advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for inquiry to the Disciplinary Committee.

(3) If the High Court has reason to believe that an Advocate has been guilty of misconduct, it may, of its own motion, refer the case to the Disciplinary Committee.

(4) The Disciplinary Committee shall consist of—

- (a) two Judges of the High Court nominated by the Chief Justice of the High Court, of whom the senior shall be the Chairman;
- (b) the Advocate-General of the Province; and
- (c) two Advocates of not less than ten year's standing at the Bar nominated by the Chief Justice of the High Court.

(2) A Provincial Bar Council may constitute one or more Tribunals each consisting of two of its members elected by it for the purpose and a Judge of the High Court nominated by the Chief Justice of that Court, who shall be the Chairman.

**43. Procedure in inquiries.--**(1) In inquiries relating to conduct of advocates, the Tribunal shall, except as hereinafter provided, follow such procedure as may be prescribed.

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**42. Procedure in inquiries.--**(1) The High Court shall make rules to prescribe the procedure to be followed by the Disciplinary Committee in the conduct of inquiries referred to it under Section 41.

(2) If the complaint referred to it under sub-section (2) of Section 41 is in respect of failure to render professional service for fee paid, or to return papers, or to repay balance of money received, the Disciplinary Committee shall, before taking up an inquiry, proceed to conciliate in the matter and, if a settlement is arrived at in the course of the proceedings, shall send a report thereof to the High Court together with a memorandum of settlement signed by the parties to the proceedings.

(3) The finding of the Disciplinary Committee on an inquiry referred to the Committee under Section 41 shall be forwarded to the High Court.

(4) The Chairman of the Disciplinary Committee may empower one of the members of the Disciplinary Committee to consider and decide preliminary issues and to record evidence.

(5) On receipt of the finding of the Disciplinary Committee, the High Court shall fix a date of the hearing of the case and shall cause notice of the day so fixed to be given to the Advocate concerned and shall afford him an opportunity of being heard before orders are passed in the case.

(6) The High Court may thereafter either pass such final orders in the case as it thinks fit or refer it back for further inquiry to the Disciplinary Committee and, upon receipt of the finding after such further inquiry, deal with the case in manner provided in sub-section (5) and pass final orders thereon.

(7) In passing final orders the High Court may pass such order as regards the payment of the costs of the inquiry and of the hearing in the High Court as it thinks fit.

(8) The High Court may, of its own motion or on an application made to it in this behalf, review any order passed under sub-section (6) or sub-section (7) and maintain, vary or rescind the same, as it thinks fit.

(9) When any Advocate is reprimanded or suspended under this Act, a record of the punishment shall be entered against his name in the roll of Advocates of the High Court, and when an Advocate is removed from practice his name shall forth with be struck off the roll; and the certificate of any Advocate so suspended or removed shall be recalled.

**43. Powers of Disciplinary Committee in inquiries.--**(1) For the purposes of an inquiry under Section 41, the Disciplinary Committee shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely,--

- (a) enforcing the attendance of any person and examining him upon oath;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses:

Provided that the Disciplinary Committee shall not have power to require the attendance of the Presiding Officer of any Civil or Criminal Court save with the previous sanction of the High Court, or, in the case of the Presiding Officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding with the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and a Disciplinary Committee shall be deemed to be a Civil Court for the purpose of Sections 480 and 482 of the Code of Criminal Procedure, 1898, (Act V of 1898).

(3) For the purpose of enforcing the attendance of any person and examining him upon oath or of compelling the production of documents or of issuing commissions,--

- (a) the local limits of the jurisdiction of a Disciplinary Committee shall be those of the jurisdiction of the High Court by which it has been constituted; and
- (b) a Disciplinary Committee may send to any Civil Court having jurisdiction in the place where the Disciplinary Committee is sitting any summons or other process for the attendance of a witness or the production of a document required by the Disciplinary Committee, or any commission which it desires to issue, and the Civil Court shall serve such Process or issue such commission, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(2) The tribunal shall fix a date for the hearing of the case and shall cause notice of the day so fixed to be given to the complainant, to the advocate concerned and to the Advocate-General of the Province and shall afford to the complainant, the advocate concerned and the Advocate-General an opportunity of leading evidence, if any, and of being heard before orders are passed in the case.

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

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

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(4) Proceeding before a Disciplinary Committee in any such inquiry shall be deemed to be civil proceedings for the purposes of Article 15 of the Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984), and the provisions of that Article shall apply accordingly.

**44. Power of High Court to suspend Advocates from practice.--**(1) The High Court may, while making a reference under sub-section (3) of Section 41 against an Advocate, make an order for the suspension of the Advocate from practice if, after hearing such Advocate the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

- (2) On a complaint made to it against an advocate by a Court subordinate to it, the High Court may,--
- (a) make an order under sub-section (1) in respect of such Advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Disciplinary Committee, is expedient or necessary in the interest of administration of justice and forward the complaint to the Disciplinary Committee in accordance with Section 41;
  - (b) without making any order under sub-section (1), forward the complaint to the Disciplinary Committee for action in accordance with Section 41; or
  - (c) direct that no further action need be taken in respect of the complaint.

(3) An order under sub-section (1) or sub-section (2) for the suspension of an Advocate from practice shall remain in force until the complaint against the Advocate is disposed of by the Disciplinary Committee under Section 42, unless on review the High Court, for reasons to be recorded, vacates it earlier.

#### **CHAPTER VII-A--ADVOCATES, ETC., OF SUPREME COURT**

**44-A. Advocates, etc., of Supreme Court.--**(1) Nothing contained in this Act shall be deemed to affect the power of the Supreme Court to make rules,--

- (a) to regulate the admission of Advocates and for laying down the conditions subject to which a senior Advocate shall be entitled to practise in that Court; and
- (b) for determining the persons who shall be entitled to act as Advocate-on-Record in that Court and the terms and conditions subject to which such persons can so act.

(2) All persons enrolled as senior Advocates or Advocate-on-Record of the Supreme Court immediately before the commencement of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985, shall continue to be so enrolled and the certificates of enrolment issued by the Supreme Court or the Pakistan Bar Council which were valid immediately before such commencement shall continue to be valid".

The aforesaid Chapter VII (earlier substituted by Ordinance XVI of 1985) was again substituted by the present text, through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 14, with effect from 25.8.1987.

Chapter VII-A, (earlier added by Ordinance XVI of 1985) was omitted, *ibid*, Section 15, with effect from 25.8.1987.

75. Substituted through Act No. XII of 2005.
76. Substituted for the words "a fee of ten rupees" vide Act XII of 2005.
77. Inserted through Act XII of 2005.

(5) On completion of the inquiry, the Tribunal may either dismiss the complaint or, where the complaint referred to the Tribunal was made at the motion of a Bar Council, direct that the proceedings be filed; or it may make an order imposing any of the penalties referred to in sub-section (1) of Section 41.

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

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

(8) When any advocate is <sup>83</sup>[punished under Section 41, the same] shall be entered against his name in the Provincial roll or, as the case may be, the roll of advocates of the Supreme Court maintained by the Pakistan Bar Council, and the common roll, and when an advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

**44. Order as to costs.--**(1) A Disciplinary Committee and a Tribunal may make such order as to costs of proceedings before it as it may deem fit; and where the Committee or, as the case may be, the Tribunal is of the opinion that a complaint made against an advocate is false and vexatious, it may, without prejudice to any other remedy available to the advocate, impose upon the complainant <sup>84</sup>[such compensatory costs as may be deemed reasonable]:

Provided that no order under this sub-section shall be made against a Court or the presiding officer of a Court <sup>85</sup>[or a Bar Council].

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

(3) Subject to sub-section (2), every order of the Disciplinary Committee or the Tribunal under sub-section (1) shall be executable.--

- (a) if the Committee is appointed, or the Tribunal is constituted, by the Pakistan Bar Council, as if it were an order of the Supreme Court; and
- (b) if the Committee is appointed, or the Tribunal is constituted, by a Provincial Bar Council, as if it were an order of the High Court.

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83. Substituted for the words and comma "reprimanded or suspended from practice under this Act, a record of punishment" through Act XII of 2005.

84. Substituted for the words "compensatory costs not exceeding a sum of five hundred rupees" vide Act XII of 2005.

85. Added through Act XII of 2005.

**45. Powers of the Tribunal and Disciplinary Committee in inquiries.--**(1) For the purposes of any such inquiry as aforesaid, a disciplinary Committee and a Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely.--

- (a) enforcing the attendance of any person,
- (b) compelling the production of documents, and
- (c) issuing commissions for the examination of witnesses:

Provided that the disciplinary Committee or the Tribunal shall not have power to require the attendance of the presiding officer of any Civil or Criminal Court save with the previous sanction of the High Court or, in the case of the presiding officer of a Revenue Court, of the Provincial Government.

(2) Every such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860); and a disciplinary Committee and a Tribunal shall be deemed to be a Civil Court for the purpose of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

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

- (a) the local limits of the jurisdiction of a disciplinary Committee and a Tribunal shall be those of the jurisdiction of the Bar Council by which the Committee has been appointed or, as the case may be, the Tribunal has been constituted; and
- (b) a disciplinary Committee and a Tribunal may send to any Civil Court having jurisdiction in the place where the Committee or, as the case may be, the Tribunal is sitting, any summons or other process for the attendance of a witness or the production of a document required by the Committee or Tribunal, or any commission which it desires to issue, and the Civil Court shall serve such process or issue such commission, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

(4) Proceedings before a disciplinary Committee or a Tribunal in any such inquiry shall be deemed to be civil proceedings for the purposes of Article 15 of Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984) and the provisions of that Article shall apply accordingly.

**46. Disciplinary Powers of the Pakistan Bar Council.--**(1) Notwithstanding anything contained in this Chapter, the disciplinary Committee of the Pakistan Bar Council may, of its own motion, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before a Provincial Bar Council or a disciplinary Committee thereof and dispose of the same.

(2) In disposing of any case under this section, the disciplinary Committee of the Pakistan Bar Council shall observe, so far as may be, the procedure laid down in Section 43, the reference to the "Advocate-General" in that Section being construed as reference to the "Attorney-General for Pakistan".

(3) In disposing of any case under this section, the disciplinary Committee of the Pakistan Bar Council may make any order which the Tribunal can make under Section 43, and the Tribunal shall give effect to any such order:

<sup>86</sup>[Provided that every order passed hereinabove shall be subject to the approval of the Pakistan Bar Council].

**47. Appeal to the Pakistan Bar Council.**--(1) Any person aggrieved by an order of a <sup>87</sup>[Provincial] Tribunal under Section 43 may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Pakistan Bar Council.

(2) Every Such appeal shall be heard by the disciplinary Committee of the Pakistan Bar Council which may pass such order thereon as it may deem fit.

**48. Appeal to the Supreme Court.**--Any person aggrieved by an order made by the disciplinary Committee of the Pakistan Bar Council under sub-section (3) of Section 46 <sup>88</sup>[or sub-section (2) of Section 47 or a final order of a Tribunal of the Pakistan Bar Council] may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Supreme Court which may pass such order thereon as it may deem fit.

**49. Application of sections 5 and 12 of the Limitation Act, 1908.**--The provisions of sections 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall, so far as may be, apply to appeals made under Section 47 or Section 48.

**50. Stay of order.**--An appeal made under Section 47 or Section 48 shall not operate as a stay of the order appealed against but the disciplinary Committee of the Pakistan Bar Council or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

**51. Powers of the disciplinary Committee.**--The disciplinary Committee of the Pakistan Bar Council shall have the same powers as are vested in a Tribunal by Section 45 and that Section shall apply to the disciplinary Committee, the reference to the "Tribunal" in that Section being construed as a reference to the "disciplinary Committee of the Pakistan Bar Council".

<sup>89</sup>**52. Execution of an order of a Bar Council, a Committee or a Tribunal.**--Subject to the provisions of this Act and the Rules made thereunder 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 were an order of the Supreme Court; and
- (b) in case of a Provincial Bar Council, its Committee or Tribunal as if it were an order of a High Court.]

**53. Review of the order by disciplinary Committee.**--The disciplinary Committee of the Pakistan Bar Council may of its own motion or otherwise review any order passed by it under this Chapter.

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86. Added through Act XII of 2005.

87. Inserted through Act XII of 2005.

88. Inserted through Act XII of 2005.

89. Substituted through Act No. XII of 2005.



**54. Power of Supreme Court and High Court to suspend advocates from practice.**--(1) The Supreme Court or a High Court may, while making a complaint under sub-section (2) of Section 41 against an advocate, make an order for the suspension of the advocate from practice if, after hearing such advocate, the Court is of the opinion that he has committed an act of grave indiscipline in the view of the Court or grave professional misconduct in relation to any proceeding before it, and his immediate suspension is expedient or necessary in the interest of administration of justice.

(2) On a complaint made to it against an advocate by a Court subordinate to it, the High Court may:--

- (a) make an order under sub-section (1) in respect of such advocate if, after hearing him, it is of the opinion that he has committed grave professional or other misconduct in relation to any proceeding before such subordinate Court, and his immediate suspension, pending the proceedings before the Bar Council, is expedient or necessary in the public interest and forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or
- (b) without making any order under sub-section (1), forward the complaint to the Provincial Bar Council for action in accordance with Section 41; or
- (c) direct that no further action need be taken in respect of the complaint.

<sup>90</sup>[CHAPTER VIIA .... *Omitted*]

**CHAPTER VIII**

**RULES**

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

- (a) the manner in which the election of members of a <sup>91</sup>[ ..... ] Bar Council shall be held and the manner in which results of election shall be published;
- (b) the manner in which the election of the Vice-Chairman of a Bar Council shall be held;
- (c) the manner in which and the authority by which doubts and disputes as to the validity of an election to <sup>92</sup>[a Bar Council] or to the office of the Vice-Chairman of a Bar Council shall be finally decided;
- (d) the powers and duties of the Chairman and Vice-Chairman of the Bar Councils;
- (e) the summoning and holding of meetings of the Pakistan Bar Council, the times and places where such meetings are to be held, the conduct of

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90. Please see footnote at pages 31.

91. The word "Provincial" was omitted by the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act No. XXXVI of 1973) Section 4(a), with effect from 9.6.1973.

92. The words "the Provincial Bar Council" were substituted by the words "a Bar Council" *ibid*, Section 4 (b).

business thereat and the number of members necessary to constitute a quorum;

- (f) the constitution and functions of any Committee of the Pakistan Bar Council and the term of office of the members of any such Committee;
- (g) the summoning and holding of meetings of such Committee, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (h) the qualifications and terms and conditions of service of staff to be employed by the Pakistan Bar Council;
- (i) matters pertaining to management, administration, utilization and investment of the fund of the Pakistan Bar Council;
- (j) the constitution of separate funds for special purposes by the Pakistan Bar Council;
- (k) the maintenance of books of accounts and other books by the Pakistan Bar Council;
- (l) the appointment of auditors and the audit of the accounts of the Pakistan Bar Council;
- <sup>93</sup>[(m) the form and manner in which applications for admission as an advocate of the Supreme Court are to be made and the manner in which such applications are to be disposed of;]
- (n) the fee payable for enrolment or in respect of any other matter under this Act, and the instalments, if any, in which such fee may be paid;
- (o) the forms in which a certificate of enrolment shall be given to a person enrolled as an advocate or an advocate of the High Court <sup>94</sup>[or an advocate of the Supreme Court];
- (p) the standards of professional conduct and etiquette to be observed by advocates;
- (q) the standards of legal education to be observed by universities in Pakistan and the inspection of universities for that purpose;
- (r) the circumstances in which and the conditions subject to which nationals of any foreign country may be admitted as advocates and foreign qualifications may be recognised for purposes of their admission;

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93. Clause (m) of Section 55 was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 14 (a), with effect from 2.3.1985. The present text was again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 16(a), with effect from 25.8.1987.

94. The words "or an Advocate of the Supreme Court" were omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 14(b), on 2.3.1985 which were again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 16(6), with effect from 25.8.1987.

- <sup>95</sup>[(s) the procedure to be followed by Tribunals constituted by the Pakistan Bar Council in inquiries relating to the conduct of an advocate];
- (t) the general principles for guidance of the Provincial Bar Councils;
- <sup>96</sup>[(u) the forming, recognition, derecognition and functioning of a Supreme Court Bar Association or any Bar Association at the national level]:

Provided that no rules made with reference to clause (r) shall have effect unless they have been approved by the Federal Government:

<sup>97</sup>[Provided further that, for holding the first elections to the Bar Councils to be constituted under this Act, rules with reference to clauses (a), (b) and (c) shall be made by the Federal Government and notified in the official Gazette].

**56. Power of Provincial Bar Council to make rules.--**<sup>98</sup>[A] Provincial Bar Council may, by notification in the official Gazette, make rules to provide for--

- (a) the summoning and holding of meetings of the Bar Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (b) the constitution and functions of any Committee of the Bar Council and the term of office of the members of any such Committee;
- (c) the summoning and holding of meetings of the Committees of the Bar Council, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (d) qualifications and terms and conditions of service of staff to be employed by the Bar Council;
- (e) the matters pertaining to management, administration, utilization and investment of the fund of the Bar Council;
- (f) the constitution of separate funds for special purposes by the Bar Council;

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95. Clause (s) of Section 55 was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 14(c), on 2.3.85 which was again inserted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 16(c), with effect from 25.8.1987.

96. By the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance XL of 1978) Section 12, the following new clause (u) was added on 12.10.1978:

"(u) the forming, recognition and functioning of a Supreme Court Bar Association".

It was substituted by the present text through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 22, with effect from 15.7.1982.

97. Added through the Legal Practitioners and Bar Councils (Amendment) Act, 1973 (Act XXXVI of 1973) Section 4 (c), with effect from 9.6.1973.

98. The words and comma "subject to the previous approval of the Pakistan Bar Council, a" were substituted for the word "A" in the beginning of Section 56, through the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 23 (a), with effect from 15.7.1982.

The previous position was restored on 25.8.87, as appears from the present text, by the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 17, by substituting the word "A" for the words and comma "Subject to the previous approval of the Pakistan Bar Council, a".

- (g) the maintenance of books of accounts and other books by the Bar Council;
- (h) the appointment of auditors and the audit of the accounts of the Bar Council;
- (i) the course of practical training in law and the examination to be passed after such training for admission as an advocate;
- (j) the form and manner in which applications for admission as an advocate or an advocate of the High Court are to be made and the manner in which such applications are to be disposed of;
- (k) the conditions subject to which a person may be admitted as an advocate or an advocate of the High Court;
- (l) the procedure to be followed by a Tribunal constituted by the Bar Council in inquiries relating to the conduct of an advocate;
- (m) the forming and regulation of firms of lawyers either throughout the Province or any specified part thereof;
- (n) the recognition,<sup>99</sup>[derecognition] and functioning of Bar Associations.

## CHAPTER IX

### MISCELLANEOUS

**57. Grants to Bar Councils.**--The Federal Government, in the case of Pakistan Bar Council, and the Provincial Government, in the case of a Provincial Bar Council, may make such grants in aid of the funds of the Bar Council as it may deem fit, having regard to the total number of advocates on the roll of the Council.

**58. Penalty for illegal practice.**--<sup>100</sup>[(1) Any person who is not an advocate and practices the profession of law or any person who is not entitled under this Act to practice in the Supreme Court, a High Court or any other Court or Tribunal subordinate thereto practices before the said Court or Tribunal shall be punished with imprisonment for a term which may extend to three years, or with fine upto fifty thousand rupees, or with both.]

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

**59. Power to frame and publish lists of touts.**--(1) Every High Court, District Judge, Sessions Judge, District Magistrate and every Revenue Officer, not being below the rank of a Collector of a District (each as regards their or his own Court and the Courts, if any, subordinate thereto), may frame and publish lists of persons proved, to their or his satisfaction, or to the satisfaction of any subordinate Court as provided in sub-section (3), by evidence of general repute or otherwise, to habitually act as touts, and may, from time to time, alter and amend such lists.

**Explanation:**--The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose,

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99. Inserted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 23 (b), with effect from 15.7.1982.

100. Substituted through Act No. XII of 2005.

of an association of persons entitled to practise the profession of law in any Court or revenue office shall be *prima-facie* evidence of the general repute of such person and of the fact that he is, or is not, a tout.

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

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

Provided that such authority shall hear any such person who, before his name is so included, appears before it and desires to be heard.

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

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

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

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

<sup>101</sup>[(7) Omitted]

(8) An offence under sub-section (6) shall be non-bailable.

<sup>102</sup>[Omitted]

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101. Sub-section (7) of Section 59, which reads as follow, was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978 (Ordinance No. XL of 1978) Section 13, with effect from 12.10.1978:

"(7) No Court shall take cognizance of an offence under sub-section (6) except:--

(a) upon a complaint made in writing by the President of the Bar Association for the place where such offence has been committed, or any office-bearer or member of such Association authorised by him in this behalf; or

(b) upon a report made in writing by a police officer on a complaint made by a person referred to in clause (a)".

102. The proviso to sub-section (8) of Section 59, which reads as under, was omitted by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982), Section 24, with effect from 15.7.1982:

<sup>103</sup>[59A Omitted]

<sup>104</sup>[59B. **Removal from Bar Association.**--(1) An Advocate who has once been admitted as a member of a Bar Association shall not be expelled or removed from such membership except on the ground that he has either incurred any of the disqualifications for the membership of a Bar Council under this Act or been in default in paying the fees of the Bar Association for a period of not less than twelve months:

Provided that the membership of an advocate who is removed on the ground of his having been in such default shall stand restored if he pays up the fees due within sixty days of such removal]:

Provided further that no member of a Bar Association shall be expelled or removed from membership by any Bar Association without giving him opportunity of being heard.

<sup>105</sup>[(2) Omitted]

**60. Power of the High Court relating to remuneration of advocates.**—The High Court shall from time to time fix and regulate the fees payable by any party in respect of the fees of his adversary's advocate in all proceedings in such High Court and in the Courts subordinate to such High Court.

**61. Group Insurance.**--(1) The Pakistan Bar Council may from time to time arrange for the insurance of the life of such advocates of the Supreme Court who are borne on its roll as have not attained the age of sixty-five years, and a Provincial Bar Council may likewise arrange for the insurance of the life of such advocates borne on its rolls as have not attained the age of sixty two years, and for such period as it deems fit.

(2) Where any such arrangement as has been referred to in sub-section (1) has been made by a Bar Council,--

- (a) it shall establish a separate Group Insurance Fund which shall vest in and be administered by the Bar Council;
- (b) every advocate whose life has been insured under such arrangement shall pay to the Bar Council, annually, monthly, or at such other intervals as may

"Provided that no person accused of such offence shall be arrested unless a complaint, alleging that he has committed such offence is made by a person referred to in clause (a) of sub-section (7)."

103. Section 59 A, reads as under, inserted on 15.7.82 by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982) Section 25, was omitted on 25.8.1987 through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 18:-

**"59A. Bar Council or Bar Association not to indulge in political activity.**--A Bar Council or a Bar Association shall perform such functions as are conferred on it by this Act or the rules made thereunder and shall not indulge in any political activity, directly or indirectly".

104. Inserted on 15.7.1982, by the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982 (Ordinance XVII of 1982), Section 25.

105. The following sub-section (2) earlier inserted with Section 59B on 15.7.1982 [by Ordinance (XVII of 1982), Section 25], was omitted through the Legal Practitioners and Bar Councils (Amendment) Act, 1987 (Act VIII of 1987) Section 19, with effect from 25.8.1987:-

"(2) Notwithstanding anything contained in any law or rule, the right of an advocate to practice as such shall not be dependant upon his being a member of a Bar Association or be affected in any manner by reason only of his not being, or having ceased to be member, or of his having been removed from the membership, of a Bar Association".

be prescribed, such sum of money as the premium for the insurance of his life, as may be determined by the Bar Council;

- (c) all sums received as premia under clause (b) and any interest or profit accruing thereon shall be credited into the Group Insurance Fund of the Bar Council;
- (d) all expenses incurred by the Bar Council on the arrangements with an Insurance Company or other insurer and on the administration of the Group Insurance Fund shall be defrayed from such Fund; and
- (e) any sums remaining in such fund after defraying the expense referred to in clause (d) may be utilized for such purposes connected with the welfare of advocates as may be prescribed.

(3) The provisions of sub-section (4) of Section 34 shall apply to the insurance premia required to be paid under clause (d) of sub-section (2), as if such premia were an annual fee or instalment of a fee payable under that section.

**62. Benevolent Fund.**—(1) A Bar Council may establish a fund to be called the Advocates Benevolent Fund.

(2) Where a Bar Council establishes a Benevolent Fund--

- (a) if it be the Pakistan Bar Council, every advocate of the Supreme Court <sup>106</sup>[borne on its roll], and if it be a Provincial Bar Council, every advocate borne on its rolls, shall pay to the Benevolent Fund, annually, monthly or at such other intervals as may be prescribed, such amount as his contribution to the Fund as may be determined by the Bar Council;
- (b) the moneys credited into the Fund shall be kept in such bank as may be prescribed;
- (c) the Fund shall be utilized, in such manner as may be prescribed by the Bar Council for--
  - (i) the relief of advocates and their families;
  - (ii) giving financial relief to the families of deceased advocates;
  - (iii) making grants to advocates on special occasions; and
  - (iv) defraying expenditure in respect of the management of the Fund.

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106. The words "borne on its roll", were omitted on 2.3.1985 by the Legal Practitioners and Bar Councils (amendment) Ordinance, 1985 (Ordinance XVI of 1985) Section 15. The same words were again inserted through the Legal Practitioners and Bar Councils, (Amendment) Act, 1987 (Act VIII of 1987) Section 20, with effect from 25.8.1987.

(3) The provisions of sub-section (4) of Section 34 shall apply to the contributions required to be made to the Benevolent Fund under clause (a) of sub-section (2) as if such contributions were an annual fee or installment of fee payable under that section.

<sup>107</sup>[(4) An advocate shall not exercise the rights and privileges under this Act without making payment of the dues to the Pakistan Bar Council or a Provincial Bar Council as may be prescribed by the Rules or Bye-laws of such Bar Council.

(5) Every advocate shall be liable to pay contributions to the Benevolent Fund under this Section and the Rules made thereunder to the Provincial Bar Council concerned notwithstanding his enrolment as an advocate or advocate-on-record of the Supreme Court of Pakistan.]

**63. Validation.**—(1) Notwithstanding the Constitution of New Provinces and the establishment of new High Courts by or under the Province of West Pakistan (Dissolution) Order 1970, (P.O. No. 1 of 1970), or any law, judgment, order or decree of a Court--

- (a) any power exercised or functions and duties performed or undertaken by the Pakistan Bar Council or the West Pakistan Bar Council constituted under the Legal Practitioners and Bar Councils Act, 1965 (III of 1965), or by any Committee thereof, or Tribunal appointed by it, in accordance with provisions of the said Act, shall always be deemed to have been validly exercised, performed or undertaken; and
- (b) no action, proceeding, decision, order or finding of such Bar Council, Committee or Tribunal shall be called in question before any Court or other authority, only on the ground of the dissolution of the Province of West Pakistan, the constitution of new Provinces in its place or the establishment of new High Courts in the place of the High Court of West Pakistan.

<sup>108</sup>[**64. Repeal.**—Omitted]

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107. Added through Act No. XII of 2005.

108. Sections 64,65 and 66, read as under, were omitted, with effect from 8.7.1981, by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ord. XXVII of 1981) Section 3 and Sch. II:--

"**64. Repeal.**—The Legal Practitioners and Bar Councils Act, 1965 (III of 1965), hereinafter referred to as the said Act, is hereby repealed.

**65. Continuance of Existing Bar Councils.**—Notwithstanding the repeal of the said Act,--

- (a) the Pakistan Bar Council constituted under the said Act shall, until the constitution of the Pakistan Bar Council under this Act, be deemed to be the Pakistan Bar Council under this Act and shall, save as otherwise provided in this Act, have the same powers, functions, rights and liabilities as the Pakistan Bar Council under this Act, and the Chairman, Vice-Chairman, members, Committees and Tribunals of the said Bar Council shall be deemed to be the Chairman, Vice-Chairman, members, Committees and Tribunals of the Pakistan Bar Council for the purposes of this Act and the rules made thereunder;
- (b) the Provincial Bar Councils constituted under the said Act shall, until the constitution of the Provincial Bar Councils under this Act, be deemed to be the Provincial Bar Councils for the purposes of this Act, and shall, save as otherwise provided in this Act, have the same powers, functions, rights and liabilities as the Provincial Bar Councils constituted under this Act and the Chairman, Vice-Chairman, members,



<sup>103</sup>[65. Continuance of existing Bar Councils.—Omitted]

<sup>103</sup>[66. Dissolution of existing Bar Councils etc.—Omitted]

**67. Continuance in service of the employees of the West Pakistan Bar Council.**—Every person in the employment of the West Pakistan Bar Council immediately before its dissolution, at whatever place he may for the time being be serving, shall be deemed, as from the constitution of Provincial Bar Councils under this Act, to be in the employment of the Bar Council for the Province or Provinces in which the said place is situated, and shall be entitled to the same terms and conditions of service as respects remuneration and leave as he was entitled to before the constitution of the last named Council.

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Committees and Tribunals of each such Bar Council shall be deemed to be the Chairman, Vice-Chairman, members, Committees and Tribunals of the Provincial Bar Council for the purposes of this Act and the rules made thereunder;

- (c) until new rules under this Act are framed, the rules framed under the said Act shall, so far as applicable and with the necessary adaptations, remain in force and shall take effect as rules made under this Act.

**66. Dissolution of existing Bar Councils etc.**—(1) On the constitution of Bar Councils under this Act,—

- (a) the Pakistan Bar Council and the Provincial Bar Councils constituted under the said Act shall stand dissolved;
- (b) all properties and assets vesting in the Pakistan Bar Council constituted under the said Act shall vest in the Pakistan Bar Council constituted under this Act;
- (c) all properties and assets vesting in the West Pakistan Bar Council constituted under the said Act shall be apportioned among and vest in the Bar Councils constituted under this Act for the Provinces of Baluchistan and Sindh, the North-West Frontier Province and the Province of the Punjab in the same proportion which the contributions made and fees paid to the West Pakistan Bar Council by persons borne on the roll of that Bar Councils from the regions which respectively form the said Provinces bear to the total contributions made and fees paid to the said Bar Councils by all the persons borne on the roll of the said Bar Council;
- (d) all rights, liabilities and obligations of the Pakistan Bar Council constituted under the said Act whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Pakistan Bar Council constituted under this Act;
- (e) all rights, liabilities and obligations of the West Pakistan Bar Council constituted under the said Act, shall be the rights, liabilities and obligations of the Bar Councils constituted under this Act for the Provinces of Baluchistan and Sindh, the North-West Frontier Province and the Province of the Punjab in the same proportion as is mentioned in clause (d);
- (f) all proceedings pending before the Pakistan Bar Council constituted under the said Act in respect of any disciplinary matter or otherwise shall stand transferred to the Pakistan Bar Council constituted under this Act;
- (g) all proceedings pending before the West Pakistan Bar Council constituted under the said Act in respect of any disciplinary matter or otherwise shall stand transferred to such one of the Provincial Bar Councils constituted under this Act as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Act;
- (h) all proceedings pending before a Tribunal constituted by the Pakistan Bar Council under the said Act shall stand transferred to such Tribunal constituted by the Pakistan Bar Council under this Act as may be specified by it;
- (i) all proceedings pending before a Tribunal constituted by the West Pakistan Bar Council under the said Act shall stand transferred to such Tribunal constituted under this Act as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Act".

**68. Savings.**--(1) Nothing in this Act shall apply to mukhtars and revenue agents and every mukhtar and revenue agent practicing as such immediately before the commencement of this Act shall continue to enjoy the same rights as respects practice in any Court or revenue office or before any authority or person as he enjoyed, and be subject to the disciplinary jurisdiction of the same authority to which he was subject, immediately before such commencement, and the provisions of the Legal Practitioners Act, 1879 (Act XVII of 1879), or other law shall have effect in relation to such persons as if they had not been repealed by the said Act.

<sup>109</sup>[(2) Omitted]

<sup>110</sup>[**69. Removal of difficulties.**—Omitted].

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109. Omitted through Act XII of 2005.

110. Section 69, read as under, was omitted, with effect from 8.7.1981, by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ord. XXVII of 1981) Section 3 and Sch. II:--

**"69. Removal of difficulties.**--If any difficulty arises in giving effect of the provisions of this Act, particularly in relation to the holding of the first elections under this Act to a Bar Council or the devolution or apportionment of the properties, assets, rights, liabilities and obligations of the West Pakistan Bar Council constituted under the said Act or the transfer of the proceedings pending before that Council, the Federal Government may, by order published in the official Gazette, make such provisions, not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty".

**SCHEDULE***[See Section 5(2)(b)]***PUNJAB BAR COUNCIL**

<b>Group of Districts-1</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Bahawal Nagar .....	01
(2)	Bahawalpur .....	03
(3)	Rahim Yar Khan .....	02
<b>Group of Districts-II</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Dera Ghazi Khan .....	01
(2)	Layah .....	01
(3)	Muzaffargarh .....	02
(4)	Rajanpur .....	01
<b>Group of Districts-III</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Khanewal .....	02
(2)	Lodharan .....	01
(3)	Multan .....	04
(4)	Pakpattan .....	01
(5)	Sahiwal .....	02
(6)	Vehari .....	02
<b>Group of Districts-IV</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Faisalabad .....	04
(2)	Jhang .....	02
(3)	TobaTek Singh .....	01
<b>Group of Districts-V</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Attock .....	01
(2)	Chakwal .....	01
(3)	Islamabad .....	01
(4)	Jhelum .....	01
(5)	Rawalpindi .....	04

<b>Group of Districts-VI</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Bhakkar .....	01
(2)	Khushab .....	01
(3)	Mianwali .....	01
(4)	Sargodha .....	02
<b>Group of Districts-VII</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Gujranwala .....	03
(2)	Gujrat .....	02
(3)	Hafizabad .....	01
(4)	Mandi Bahauddin .....	01
(5)	Narowal .....	01
(6)	Sialkot .....	02
<b>Group of Districts-VIII</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Kasur .....	02
(2)	Lahore .....	16
(3)	Okara .....	02
(4)	Sheikhupura .....	02

### **SINDH BAR COUNCIL**

<b>Group of Districts-I</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Karachi (South) .....	06
(2)	Karachi (Central) .....	04
(3)	Karachi (East) .....	04
(4)	Karachi (West) .....	01
(5)	Malir .....	01
<b>Group of Districts-II</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Badin + Thatta .....	01
(2)	Dadu .....	01
(3)	Hyderabad .....	03

<b>Group of Districts-III</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Sukkur .....	02
(2)	Ghotki .....	01
(3)	Khairpur .....	01
(4)	Naushero Feroz .....	01
(5)	Nawab Shah .....	01

<b>Group of Districts-IV</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Jaccobabad .....	01
(2)	Larkana .....	02
(3)	Shikarpur .....	01

<b>Group of Districts-V</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Mirpur Khas .....	01
(2)	Sanghar .....	01

### **N.W.F.P. BAR COUNCIL**

<b>Group of Districts-I</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Peshawar .....	07
(2)	Charsadda .....	01
(3)	Nowshera .....	01

<b>Group of Districts-II</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Mardan .....	02
(2)	Swabi .....	01

<b>Group of Districts-III</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	Kohat+Hangu .....	02
(2)	Karak .....	01

<b>Group of Districts-IV</b>		<b>Seats</b>
<b>Name of District:</b>		
(1)	D.I. Khan+Tank .....	02

(2)	Banuu .....	01
(3)	Lakki Marwat .....	01

**Group of Districts-V****Seats****Name of District:**

(1)	Haripur .....	01
(2)	Abbottabad .....	02
(3)	Mansehra + Batagram .....	02

**Group of Districts-VI****Seats****Name of District:**

(1)	Mingora (Swat) .....	01
(2)	Shangla (Alpuri) + Kohistan .....	01
(3)	Daggar(Buner) + Malakand at Batkhela.....	01
(4)	Timargara(Dir) + Dir Bala .....	01
(5)	Chitral .....	01

**BALUCHISTAN BAR COUNCIL****Group of Districts-I****Seats****Name of District:**

Quetta + Chagi + Noshki + .....	04
Khuzdar + Mustong + Kalat	

**Group of Districts-II****Seats****Name of District:**

Kech + Panjgor + Gwadar + .....	01
Lasbella+Kharan+Awaran	

**Group of Districts-III****Seats****Name of District:**

Sibbi + Bolan + Nasirabad + .....	01
Jaffarabad + Jhalmagsi + Kohlo + Dera-Bugti	

**Group of Districts-IV****Seats****Name of District:**

Zhob + Loralai + Musakhel + .....	01
Barkhan + Ziarat + Killa Saifullah + Killa Abdullah+Pashin	

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