

REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS



“THE LEGAL PRACTITIONERS AND BAR COUNCILS (AMENDMENT) BILL, 2015”

**Report No. 01
(Thirteenth Parliamentary Year)**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON “THE LEGAL PRACTITIONERS AND BAR COUNCILS (AMENDMENT) BILL, 2015”

I, Chairman of the Standing Committee on Law, Justice and Human Rights, have the honour to present report on “The Legal Practitioners and Bar Councils (Amendment) Bill, 2015” as passed by the National Assembly on 25th March, 2015 and laid in the Senate on 16th April, 2015. The Bill was referred to the Standing Committee for consideration and report.

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

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Raja Muhammad Zafarul Haq	Member
3. Senator Mrs. Zahida Khan	Member
4. Senator Dr. Muhammad Farogh Naseem	Member
5. Senator Syed Muzafar Hussain Shah	Member
6. Senator Ms. Ayesha Raza Farooq	Member
7. Senator Nawabzada Saifullah Magsi	Member
8. Senator Saeed Ghani	Member/Mover
9. Senator Zaheerud Din Babar Awan	Member
10. Senator Aitzaz Ahsan	Member
11. Senator Farooq Hamid Naek	Member
12. Senator Saud Majeed	Member
13. Minister for Law, Justice and Human Rights	Ex-officio Member

3. The Committee considered the Bill in its meeting held on 12th June, 2015 under the Chairmanship of Senator Muhammad Javed Abbasi. Following Members attended the meeting:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Syed Muzafar Hussain Shah	Member

3. *Senator Ms. Ayesha Raza Farooq*

Member

4. *Senator Saeed Ghani*

Member/Mover

4. The “The Legal Practitioners and Bar Councils (Amendment) Bill, 2015” seeks to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973) to further regulate the disciplinary proceedings in the cases of grave professional misconduct and to prescribe the period for expeditious disposal of complaints. As per the statement of objects and reasons as well as stance taken by the Ministry of Law, Justice and Human Rights, the amendments have been proposed by the Pakistan Bar Council.

5. The Committee agreed with the rationale for bringing the proposed amendment, however, Senator Syed Muzafar Hussain Shah pointed out a lacuna in the proposed amendment pertaining to absence of any defining provision regarding the terms “grave indiscipline or grave professional misconduct”. The Committee unanimously endorsed hon’ble Senator’s view points and desired that the Ministry of Law, Justice and Human Rights shall incorporate defining provisions in this regard in the Pakistan Legal Practitioners and Bar Councils Rules, 1976 and draft shall be placed before the Committee in its next meeting. Ministry of Law, Justice and Human Rights assured the Committee that draft will be placed before the Committee as per the directions.

6. In view of the assurance given by the Ministry of Law, Justice and Human Rights, as reflected vide para 5, the Committee recommends that the “The Legal Practitioners and Bar Councils (Amendment) Bill, 2015”, as passed by the National Assembly, may be passed by the Senate. (Copy of Bill Annexed)



(RABEEA ANWAR)
D.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman

[AS PASSED BY THE NATIONAL ASSEMBLY]

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

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

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2015.

(2) It shall come into force at once.

2. **Amendment of section 41, Act XXXV of 1973.**- In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, in section 41, in sub-section (4), in the proviso, for full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided further that if the disciplinary committee while referring the matter to the Tribunal is of the opinion that the advocate has committed an act of grave indiscipline or grave professional misconduct and his immediate suspension from practice is expedient or necessary in the interest of administration of justice, it may suspend him for the maximum period of three months and in such a case the Tribunal shall decide the complaint within a period of three months after receipt of reference from the disciplinary committee."

3. Amendment of section 54, Act XXXV of 1973.- In the said Act, in section 54,-

- (i) in sub-section (1), after the word "practice" the words "for a period of three months" shall be inserted; and
- (ii) after sub-section (1) amended as aforesaid, the following new sub-section shall be inserted, namely:-

"(1A) The Bar Council concerned on receipt of a complaint from the Court under sub-section (1) shall ensure that it is decided within a period of three months by its disciplinary committee and the Tribunal, in case the complaint has been referred to the Tribunal."

STATEMENT OF OBJECTS AND REASONS

The Pakistan Bar Council has proposed amendments in sections 41 and 54 of the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973) to further regulate the disciplinary proceedings in the cases of grave professional misconduct and to prescribe the period for expeditious disposal of complaints.

2. The Bill designed to achieve the aforesaid object.

MR. PERVAIZ RASHID

Minister for Information, Broadcasting and National Heritage
and Law, Justice and Human Rights
Minister-in-Charge