

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, FEBRUARY 23, 1973

PART I

Acts, Ordinances, President's Orders and Regulations
NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 23rd February, 1973

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 :—

ACT No. XXXV of 1973

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

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.

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

(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 ;

(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 ;

(e) "legal practitioner" means an Advocate or a Mukhtar or Revenue Agent practising as such immediately before the commencement of this Act ;

(cc) "member", in relation to a Bar Council, does not include the Chairman thereof ;" ; and

[3000 No. 1000]

1. Ins by ord XL of 1978
2. Sub, by ord XVI of 1985

- (f) "Pakistan Bar Council" means the Bar Council constituted for Pakistan under section 11;
- (g) "prescribed" means prescribed by rules made under this Act;
- 2 (h) "Provincial Bar Council", in relation to a Province other than the Provincial Bar Council constituted for that Province; ^{Sind} and Baluchistan, the common Bar Council constituted for the two Provinces under this Act;
- (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 landholders and their tenants or agents; ^{and}
- (k) "roll" means the roll of advocates maintained by a 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.

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;
- 2 (ii) a Bar Council for each Province to be known as the Bar Council ^{of} ~~ies~~ of Sind ^{ie} Province of the Province concerned."
- 2 (iii) ~~a Bar Council for the Provinces of Sind and Baluchistan, to be known as the Sind and Baluchistan Bar Council.~~

(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.** ^{The} ~~Save as provided in section 65 in respect of the existing Bar Councils, the~~ term of every Bar Council shall be ^{four} ~~three~~ 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:

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~~ ^{expire on the morning of first day}

1. Subj. by ord. LX of 1975. ^{4 December, 1976}

CHAPTER III

PROVINCIAL BAR COUNCILS

5. Composition of Provincial Bar Councils.—(1) Each Provincial Bar Council shall consist of

- (a) in the case of a Bar Council for a Province other than the Provinces of Sind — (a) the Advocate-General of the Province, *ex-officio*; and ^{and} and, in the case of the Bar Council for the Provinces of ~~Sindh and~~ Baluchistan, the Advocate-General for Sind and the Advocate-General for Baluchistan, *ex-officio*; and
- (b) such number of ~~other~~ members as may be elected by the advocates on the Provincial roll from amongst themselves.

(2) The number of members to be elected to a Provincial Bar Council shall be determined as hereinafter provided, namely:—

- (a) if, on the first day of ^{October} November of the year in which elections to the Bar Council are to be held, hereinafter called the said day, the number of advocates practising generally in a district and entered on the ^{Divisional} Provincial roll from that district is not less than fifty, one member shall be elected from such district;
- (b) if, on the said day, the number of ^{Divisional} advocates practising generally in a district and entered on the ^{Divisional} Provincial roll from that district exceeds fifty, there shall, in addition to the member to be elected from the district under clause (a), be elected from the district one member for every three hundred advocates in excess of fifty; and
- (c) if, on the said day, the number of ^{Divisional} advocates practising generally in a district and entered on the ^{Divisional} Provincial roll from that district is less than fifty, such district shall be deemed to form part of the adjoining district or, if there are more than one adjoining district, of the adjoining district with the lowest number of advocates practising therein:

Provided that, if the number of such advocates in a district, together with the number of such advocates in the adjoining district

of which the first Provincial Bar Councils to be constituted under this Act the number of members to be elected to a Provincial Bar Council shall be determined on the basis of the number of advocates entered on the Provincial roll on a date to be notified in the official Gazette by the Federal Government. (2). the electoral

(3) Notwithstanding anything contained in sub-section (2), the Provincial Bar Council to be constituted under this Act for the Province of Baluchistan shall consist of four members who shall be elected from the advocates entered on the Provincial roll who practise generally in any place within the Province of Baluchistan. and

(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. ^{76 in the Divisional Council}

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

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

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—

- (a) is on the roll maintained by the Provincial Bar Council ;
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than seven 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.

(2) The Advocate-General for a Province shall be the Chairman of the Provincial Bar Council for that Province. *Sind and according f the Pro- that Pro-*

(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 ~~till the thirty-first day of December in the year in which he assumes office.~~ *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 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.

1. Subs. by ord. XL of 1978.
2. Subs. by ord. XVII of 1982.

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; and to remove advocates from such roll;
- (b) to admit persons as advocates entitled to practise 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 inexpensive 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;
- (h) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, Bar Associations; and
- (i) to perform all other functions conferred on it by or under this Act; 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 members; and
 - (aa) a disciplinary committee consisting of not more than five members to be elected by the Council from amongst its members; and
- the High Court for the Province or Provinces, as the case may be, 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.

1. Ins. by Act. XL of 1972.

2. Sub. Ins. & omitted by Act. XVII of 1982

3. Subs. omitted, Ins. by Ord. XVII of 1982.
 4. omitted by Ord. XVI of 1985.

CHAPTER IV

(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—

Pakistan Bar Council
 and twenty other
 transferable vote, by the
 of the North-West

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

ted to be a member
 action, cease to be a

r Council.—(1) The
ficio of the Pakistan

(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.”;

r Council who shall
 Council from amongst

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.

nd
 ion of the Vice-
 ent of every year

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 filing of the nomination paper, been an advocate for not less than ten years; and

(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.”

1. Added by Act XXXVI of 1973
 2. omitted, Subs. added by Ord. XL of 1978

- (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; *and to issue direction 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;
- (l) to manage and administer the property and funds of the Pakistan Bar Council, and to invest any of its funds;

(14) to provide free legal aid;

under this Act;
resaid functions.

(1b) to hold conferences, seminars, moots, lectures, jurists' conferences and other meetings for promoting legal knowledge and learning in the legal profession;

of a Provincial Bar Council, prefer an appeal to shall be final.

(1c) 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;

its own motion or pending before, or of Council or Bar Association, legality or propriety in relation thereto as shall be binding concerned and the person

(1d) 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." and

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 authorise 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.

(1) (a) in the case of the Pakistan Bar Council, the vacancy shall be filled

(2) (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."

of

(b) for filling a vacancy in a Provincial Bar Council, the provisions of section 5 shall apply *mutatis mutandis*.

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.

“(2) Every person applying for enrolment as an advocate or an advocate of a Council and the balance to the Provincial Bar Council concerned, in such manner and 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.

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 PRACTISE, 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 ;
- (c) advocates of the High Court ; and
- (d) other advocates.

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

1. Subs. by ord. XL of 1978.

2. Subs. by ord. XVII of 1982.

2
1

(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 practise—

any

(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 authorised to take evidence; and

(b) 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 (2A) 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 authorised 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.

un
wr
du
be

(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."

in cl
section.

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—

2

1

(a) all persons who were, as advocates, senior advocates or advocates on record, entitled to practise 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.

24. Admission and enrolment of advocates of the High Court. Each Provincial Bar Council shall prepare and maintain a roll of advocates of the High Court in which—

for the Province and each Div in the Province two separate rolls.

(a) all persons who were, as advocates, entitled to practise in any court subordinate to the High Court immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sind and Baluchistan Bar Council and were practising 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.

25. Admission

Council shall, besides the roll of advocates to be prepared and maintained by it under section 24, prepare and maintain a roll of advocates in which shall be entered the names of—

for the Province and each Division in the Province two separate rolls.

(a) all persons who were, as advocates, entitled to practise in any court subordinate to the High Court immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sind and Baluchistan Bar Council and were practising 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.

(b) all persons who were, as advocates, entitled to practise in any court subordinate to the High Court immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sind and Baluchistan Bar Council and were practising 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.

1. Subs. added.

2. Subs. & omitted by ord. 84/1985

26. Persons qualified for admission as advocates.—(1) 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 :—

- (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 ~~the words~~ "who has resided in Pakistan for a period of not less than one year ~~te~~ if immediately preceding the day on which he applies for admission" ~~shall have~~ 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
- (iii) a Bachelor's 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 ;
- (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.

(2) A person shall be disqualified from being admitted as an advocate if—

- (i) he was dismissed or removed from service of Government or of a public statutory corporation on a charge involving moral turpitude, unless a period of five years, or such less period as the Federal Government may, by notification in the official Gazette, specify in this behalf, has elapsed since his dismissal or removal ; or
- (ii) he has been convicted for an offence involving moral turpitude, unless a period of five years, or such less period as the Federal Government may, by notification in the official Gazette, specify in this behalf, has elapsed since the expiration of his sentence ; or
- (iii) he has been declared a tout and such declaration has not been withdrawn.

(3) Where any person has been admitted by a Bar Council ~~as an advocate of the Supreme Court or as an advocate of a High Court, the Supreme Court or, as the case may be, the High Court may, if it is of the opinion that it will not be in the interest of the legal profession for such person to continue on the roll of advocates, refer the matter to the Bar Council for its reconsideration.~~

1. Ins. by Act XVI of 1976.
2. Amended by Act XVI of 1985.

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
- (b) he has practised 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.

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 an advocate of the Supreme Court if he fulfils such conditions as may be laid down in this behalf from time to time by the Rules of the Supreme Court and has paid to the Pakistan Bar Council such enrolment fee as may be prescribed by that Council.

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, ~~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.

(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;

re. omitted by Act. XVI of 1985.

- (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, ~~and, the words, brackets and figures " and the Pakistan Bar Council in accordance with sub-section (2) of section 17 " shall be added.~~ and the Pakistan Bar Council in accordance with sub-section (2) of section 17 " shall be added.

~~shall be fixed after consultation with the Supreme Court, to be paid to the Pakistan Bar Council; and~~ 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 ~~or clause (a) of section 23~~ as an advocate, an advocate of the High Court ~~or an advocate of the Supreme Court~~ shall be required to pay the fee for enrolment as such advocate.

(2) The fee referred to in clause (a) ~~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 or 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 advocates and shall not be restored except upon payment of the instalment or fee due and such penalty not exceeding the amount of such instalment 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 ~~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 ~~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.

1. Added by ord. XVII of 1982.
2. omitted by ord XVI of 1985.

36. Certificate of enrolment.—A Bar Council shall issue a certificate of enrolment in the prescribed form to every person enrolled under section 35.

37. Copy of roll to be kept with Supreme Court and High Court.—(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.—(1) 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.

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

(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.

(2A) Subject to sub-section (1) and sub-section (2), a Deputy Attorney-General for Pakistan shall have the right of pre-audience over all other advocates.”; and

(3) their s

(4) All matters which affect the Government, or in which the Government is interested, and other matters specified for the purpose in any other law for the time being in force, shall have priority over all other matters coming up before any court.”

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 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 a fee of ten rupees.

11 omitted, Ins & added by ord XVI of 1985.

(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 is in respect of failure to render professional service for fee paid, or to return papers, or to repay balance of money received.

(4) Upon receipt of a complaint under sub-section (2) against any advocate, and 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 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 communicated to him, prefer an appeal to the Tribunal, whose decision in such appeal shall be final.

(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 practises 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 such 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.

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.

1. Subs by ord XVII of 1982.
2. Subs by ord XVI of 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 years' standing at the Bar nominated by the Chief Justice of the High Court.

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.

P.T.O

(5) On receipt of the finding of the Disciplinary Committee, the High Court shall fix a date for 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 the 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 forthwith 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

P.T.E

- (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.

(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 VIIIA

ADVOCATES, ETC., OF SUPREME COURT

44A. 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 or advocate shall be entitled to practise in that Court ; and

(b) for determining the persons who shall be entitled to act as advocates-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, advocates or advocates-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.”.

(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. 27

(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. *the complaint referred referred to*

(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 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.

A disciplinary
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 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 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 ~~An Inquiry Committee~~ under sub-section (1) or, of its own motion or an 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. *a disciplinary*

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

(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

1. Subs. by ord. XVII of 1982.

2. Subs. by ord. XVI of 1985

- 2
^ (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, ^{a disciplinary} 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;
(b) compelling the production of documents, and
(c) issuing commissions for the examination of witnesses:

Provided that the ^{disciplinary} Inquiry 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} 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 ^{a disciplinary} 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) ^{a disciplinary} 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 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. ^{a disciplinary}

(4) Proceedings before ^{a disciplinary} 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 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 ~~any Conciliation Committee or Inquiry Committee appointed by it~~ and dispose of the same, ^{disciplinary} ~~disciplinary~~ committee ^{here of}.

(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".

1. Subs. by ord. XVII of 1982.

2. Subs. by ord. XVI of 1985.

(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.

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.—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.

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 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. 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

1. Subs by ord XVI of 1985.

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.

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."

suspension of
saint against
ess on review
earlier.

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 (Provincial) 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 ^[a Bar Council] ~~the Provincial 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 a Bar Council;
- (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 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 committees, 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.

10. am, subs. by Act 22 of 1973
2. omitted & ins. by ord. XVII of 1982
3. subs. by ord. XVI of 1985.

- (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;
- (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 ~~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;
- (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;

~~Provided that no~~

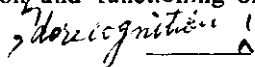
1. A. "Provided further that, for holding the first elections to the shall Bar Councils to be constituted under this Act, rules with reference vern- to clauses (a), (b) and (c) shall be made by the Federal Govern- ment and notified in the official Gazette."

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;

1. Added by Act XXVI of 1973 3. omitted & Subs. by ord. XL of 1978
2. amended by ord. XVII of 1982.

- (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 and functioning of Bar Associations.

Recognition 

CHAPTER IX

MISCELLANEOUS

57. Grants to Bar Councils.—The Federal Government, in the case of the 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.—(1) Any person who is not an advocate and practises the profession of law and any person who is not entitled under this Act to practise in a High Court or the Supreme Court practises before that Court, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Any advocate who practises 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, 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.

1. Ins. by ord. XVII of 1982.

(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.

(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).

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

59A. *Bar Council or Bar Association not to indulge in political activity.* A Bar Council and 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, unless a person occupies—

59B. *Removal from Bar Association.* (1) An advocate who has once been admitted as a member of a Bar Association shall not be 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. le by any s in such rom time Supreme ive years,

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.

(2) Notwithstanding anything contained in any law or rule, the right of an advocate to practise as such shall not be dependent 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, a member, or of his having been removed from the membership, of a Bar Association."

and a Provincial Bar Council may like-wise 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 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 ~~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.

(3) The provisions of sub-section (4) of section 34 shall apply to 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 instalment of fee payable under that section.

1. omitted by ord. XVI of 1985.

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, judgement, order or decree of a Court—

- (a) any powers 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 the 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.

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, committees and Tribunal of each such Bar Council shall be deemed to be the Chairman, Vice-Chairman, members, committees and Tribunal 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 Sind, 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 Council 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 Sind, 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.

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.

68. Savings.—(1) Nothing in this Act shall apply to mukhtars and revenue agents and every mukhtar and revenue agent practising 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 XVIII of 1879*), or other law shall have effect in relation to such persons as if they had not been repealed by the said Act.

(2) Nothing in this Act shall be deemed to affect the power of the Supreme Court to make rules—

- (a) 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 advocates on record in that Court and the terms and conditions subject to which such persons can so act.

69. **Removal of difficulties.**—If any difficulty arises in giving effect to 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.

ASLAM ABDULLAH KHAN.

Secretary.