

# The Gazette of Pakistan

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## PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

*Islamabad, the 17th September, 2005*

**F. 22(17)/2005-Legis.**—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 15th September, 2005, and is hereby published for general information:—

ACT No. XII OF 2005

*An Act 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, 2005.

(2) It shall come into force at once.

(743)



insertion of new section, Act XXXV of 1973.—In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, after section 1, the following new section shall be inserted, namely:—

“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.”

3. **Amendment of section 2, Act XXXV of 1973.**—In the said Act, in section 2,—

- (1) clause (cc) shall be omitted;
- (2) for clause (e), the following shall be substituted, namely:—

“(e) “legal practitioner” means an advocate;”;

(3) after clause (k), the following new clause shall be inserted, namely:—

“(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;” and

(4) in clause (n), for the full stop at the end a semi-colon and the word “and” shall be substituted and thereafter the following new clause shall be added, namely:—

(o) voter means:—

(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.”

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

“Provided that the next elections of the Provincial Bar Councils shall be held between the 1st October, 2009 and the 31st October, 2009 and the term of the next Provincial Bar Council shall commence from the 1st January, 2010.”

5. **Amendment of section 5, Act XXXV of 1973.**— In the said Act, in section 5,—

(i) for sub-section (2), the following shall be substituted, namely:—

“(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.”;

(ii) for sub-section (2A) the following shall be substituted, namely:—

“(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.”;

(iii) sub-section (3) shall be omitted; and

(iv) in sub-section (4), for the word “Division” the words and commas “district, or as the case may be, the group of districts” shall be substituted.

6. **Amendment of section 5A, Act XXXV of 1973.**—In the said Act, in section 5A,—

(i) for clause (a) the following shall be substituted, namely:—

“(a) is on the roll of advocates of High Court maintained by the Provincial Bar Council;” and

(ii) in clause (b), for the word “seven” the word “ten” shall be substituted.

**Amendment of section 9, Act XXXV of 1973.**—In the said Act, in section (1), in clause (a), for the word “Division” the word “district” shall be substituted.

**8. Amendment of section 11, Act XXXV of 1973.**—In the said Act, in section 11,—

- (a) in sub-section (1), for the figure “2”, appearing against the North West Frontier Province, the figure “4” shall be substituted;
- (b) after sub-section (1), the following new sub-section shall be inserted, namely:—

“(I A) 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.”

**9. Amendment of section 11A, Act XXXV of 1973.**—In the said Act, in section 11A, in clause (b), for the word “ten” the word “fifteen” shall be substituted.

**10. Amendment of section 16 of Act XXXV of 1973.**—In the said Act, in section 16, for clause (a), the following shall be substituted, namely:—

“(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 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;”

**11. Amendment of section 21, Act XXXV of 1973.**—In the said Act, in section 21, in clause (b), after the words “Supreme Court” the words “including advocates-on-record” shall be added.

**12. Amendment of section 22, Act XXXV of 1973.**—In the said Act, in section 22, for sub-section (2), the following shall be substituted, namely:—

“(2) Subject to the provisions of this Act and the Rules made thereunder,—

- (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."

13. **Substitution of section 23, Act XXXV of 1973.**—In the said Act, for section 23, the following shall be substituted, namely:—

"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."

14. **Amendment of section 24, Act XXXV of 1973.**—In the said Act, in section 24,—

- (a) the brackets and figure "(1)" shall be omitted; and
- (b) for the word "Division" the word "District" shall be substituted.

15. **Amendment of section 26, Act XXXV of 1973.**—In the said Act, in section 26,—

- (a) the brackets and figure "(1)", in the beginning, shall be omitted; and
- (b) in clause (c), for sub-clause (iii), the following shall be substituted, namely:—

"(iii) a degree in law from a university in Pakistan or abroad recognized by the Pakistan Bar Council;"; and

- (c) sub-sections (2) and (3) shall be omitted.

16. **Substitution of section 28, Act XXXV of 1973.**—In the said Act, for section 28, the following shall be substituted, namely:—

"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.”

17. **Addition of section 28A, Act XXXV of 1973.**—In the said Act, after section 28, substituted as aforesaid, the following new section shall be added, namely:—

“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.”

18. **Amendment of section 36, Act XXXV of 1973.**—In the said Act, in section 36, for figure “35” the figure “31” shall be substituted.

19. **Addition of new sections, Act XXXV of 1973.**—In the said Act, after section 39, the following new sections shall be added, namely:—

“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 on 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 section 39A and 39B to apply.*—The provisions of section 39A and 39B shall apply *mutatis mutandis* to an advocate who contravenes any provision of this Act or the Rules made thereunder.”

20. **Amendment of section 40, Act XXXV of 1973.**—In the said Act, in section 40,—

(a) sub-section (2A) shall be omitted; and

(b) sub-section (4) shall be omitted.

21. **Amendment of section 41, Act XXXV of 1973.**—In the said Act, in section 41,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) An advocate may, in the manner hereinafter provided, be reprimanded, suspended, removed from practice or be made to pay such amount of compensation, fine or penalty as may be ordered, if he is found guilty of professional or other misconduct.”;

(b) in sub-section (3), for the words “a fee of ten rupees” the words “such fee as may be prescribed by the Pakistan Bar Council from time to time” shall be substituted; and

(c) after sub-section (4), the following new sub-section shall be inserted, namely:—

“(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.”

22. **Amendment of section 43, Act XXXV of 1973.**—In the said Act, in section 43, in sub-section (8), for the words and comma “reprimanded or suspended from practice under this Act, a record of the punishment” the words comma and figure “punished under section 41, the same” shall be substituted.

23. **Amendment of section 44, Act XXXV of 1973.**—In the said Act, in section 44, in sub-section (1), for the words “compensatory costs not exceeding a

sum of five hundred rupees" the words "such compensatory costs as may be deemed reasonable" shall be substituted and in the proviso after the word "court" occurring at the end, the words "or a Bar Council" shall be added.

24. **Amendment of section 46, Act XXXV of 1973.**—In the said Act, in section 46, in sub-section (3), for the full stop at the end, a colon shall be substituted and thereafter the following new proviso shall be added, namely:—

"Provided that every order passed hereinabove shall be subject to the approval of the Pakistan Bar Council."

25. **Amendment of section 47, Act XXXV of 1973.**—In the said Act, in section 47, in sub-section (1), after the word "a", the word "Provincial" shall be inserted.

26. **Amendment of section 48, Act XXXV of 1973.**—In the said Act, in section 48, after the figure "46" the words, brackets and figures "or sub-section (2) of section 47 or a final order of a Tribunal of the Pakistan Bar Council" shall be inserted.

27. **Substitution of section 52, Act XXXV of 1973.**—In the said Act, for section 52, the following shall be substituted, namely:—

"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."

28. **Amendment of section 58, Act XXXV of 1973.**—In the said Act, in section 58, for sub-section (1), the following shall be substituted, namely:—

- "(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."



29. Amendment of section 62, Act XXXV of 1973.—In the said Act, in section 62, after sub-section (3), the following new sub-section shall be added, namely:—

“(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.”

30. Amendment of section 68, Act XXXV of 1973.—In the said Act, in section 68, sub-section (2) shall be omitted.

SCHEDULE

[See section 5(2) (b)]

PUNJAB BAR COUNCIL

Group of Districts-I

Name of District	Seats
(1) Bahawal Nagar ...	01
(2) Bahawalpur ...	03
(3) Rahim Yar Khan ...	02

Group of Districts-II

Name of District	Seats
(1) Dera Ghazi Khan ...	01
(2) Layah ...	01
(3) Muzaffargarh ...	02
(4) Rajanpur ...	01

Group of Districts-III

Name of District	Seats
(1) Khanewal ...	02
(2) Lodharan ...	01
(3) Multan ...	04

(4) Pakpattan	01
(5) Sahiwal	02
(6) Vehari	02

**Group of Districts-IV**

Name of District	Seats
(1) Faisalabad	04
(2) Jhang	02
(3) Toba Tek Singh	01

**Group of Districts-V**

Name of District	Seats
(1) Attock	01
(2) Chakwal	01
(3) Islamabad	01
(4) Jhelum	01
(5) Rawalpindi	04

**Group of Districts-VI**

Name of District	Seats
(1) Bhakkar	01
(2) Khushab	01
(3) Mianwali	01
(4) Sargodha	02

**Group of Districts-VII**

Name of District	Seats
(1) Gujranwala	03
(2) Gujrat	02
(3) Hafizabad	01
(4) Mandi Bahauddin	01
(5) Narowal	01
(6) Sialkot	02

**Group of Districts-VIII**

Name of District	Seats
(1) Kasur	02
(2) Lahore	16
(3) Okara	02
(4) Sheikhupura	02

## SINDH BAR COUNCIL

## Group of Districts-I

Name of District	Seats
(1) Karachi (South)	06
(2) Karachi (Central)	04
(3) Karachi (East)	04
(4) Karachi (West)	01
(5) Malir	01

## Group of Districts-II

Name of District	Seats
(1) Badin + Thatta	01
(2) Dadu	01
(3) Hyderabad	03

## Group of Districts-III

Name of District	Seats
(1) Sukkur	02
(2) Ghotki	01
(3) Khairpur	01
(4) Naushero Feroz	01
(5) Nawab Shah	01

## Group of Districts-IV

Name of District	Seats
(1) Jacobabad	01
(2) Larkana	02
(3) Shikarpur	01

## Group of Districts-V

Name of District	Seats
(1) Mirpur Khas	01
(2) Sanghar	01

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

## Group of Districts-I

Name of District	Seats
(1) Peshawar	07
(2) Charsadda	01
(3) Nowshera	01

## Group of Districts-II

Name of District	Seats
(1) Mardan	02
(2) Swabi	01

## Group of Districts-III

Name of District	Seats
(1) Kohat + Hangu	01
(2) Karak	01

## Group of Districts-IV

Name of District	Seats
(1) D. I. Khan + Tank	02
(2) Bannu	01
(3) Lakki Marwat	01

## Group of Districts-V

Name of District	Seats
(1) Haripur	01
(2) Abbottabad	02
(3) Mansehra+ Batagram	02

## Group of Districts-VI

Name of District	Seats
(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 District-I**

Name of the District	Seats
Quetta + Chagi + Noshki + Khuzdar + Mustong + Kalat	04

**Group of District-II**

Name of the District	Seats
Kech + Panjgor + Gwadar + Lasbella + Kharan + Awaran	01

**Group of District-III**

Name of the District	Seats
Sibbi + Bolan + Nasirabad + Jaffarabad + Jhalmagsi + Kohlo + Dera-Bugti	01

**Group of District-IV**

Name of the District	Seats
Zhob + Loralai + Musakhel + Barkhan + Ziarat + Killa Saifullah + Killa Abdullah + Pashin	01

MUHAMMAD RAFIQ,  
Acting Secretary.

## CORRIGENDA

[to the *Gazette of Pakistan, 2005, Ext., Part-I*, dated the 14th, 23rd, July 2005, and 6th, 10th, 18th, 23rd, 26th, 27th, 29th August, 2005, containing Ordinance No. VIII to XVII 2005.]

## Page

652. In line 2 from the bottom for "subjec" read "subject"
653. In line 10 for "being" read "bring"
654. In line I for "he" read "be"
658. In line 8 for "Offocer" read "Officer"
661. In line 19 for "(10)", read "(1)"
677. In line 18 for "Establishment." I "Interior" read "Establishment/  
Interior"
689. In line 24 for "and" read "an"
694. In line 11 for "sub-sections" read "sub-section"
697. In line 5 for "profession" read "professional"
698. In line 4 for "member" read "members"
700. In line 3 for "reading" read "heading".
700. In line 10 for "qualification of" read "qualification or"
700. In line 19 for "substitued" read "substituted"
701. In line 2 for "Operators" read "operator"
704. In line 4 for "substitued" read "substituted"
723. In line I from the bottom for (XLVI of 196) "read (XLVI of 1960)