

^{As}
[TO BE INTRODUCED IN THE SENATE]

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BILL

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

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

It is hereby enacted as follows: —

1. Short title and commencement. — (1) This Act shall be called the Legal Practitioners and Bar Councils (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Substitution of section 5A, Act XXXV of 1973.— In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, for section 5A, the following shall be substituted, namely: -

"5A. Qualifications for membership of a Provincial Bar Council and Islamabad Bar Council. — A person shall be qualified to be elected as a member of a Provincial Bar Council and Islamabad Bar Council if he, —

- (a) is on the roll of advocates of High Court maintained by the Provincial Bar Council and Islamabad Bar Council for not less than ten years;
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than fifteen years, and has individually conducted not less than fifty decided cases other than the cases on behalf of the Government;
- (c) has cleared all the dues payable by him to the Provincial Bar Council and Islamabad Bar Council; and
- (d) has been a voter member of a Bar Association situated in the district from where he is a candidate for a period of not less than five years."

3. **Substitution of section 5B, Act XXXV of 1973 .-** In the said Act, for section 5B, the following shall be substituted, namely: -

"5B. Disqualifications for membership of a Provincial Bar Council and Islamabad Bar Council. — A person shall be disqualified to be elected as a member of a Provincial Bar Council and Islamabad 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, sentenced to imprisonment for a term of not less than two years, except the one released five years ago; or
- (c) has furnished false information for the purpose of enrollment with a Bar Council; or
- (d) has been found guilty of professional misconduct; or
- (e) has been declared a tout; or
- (f) is an undischarged insolvent; or
- (g) is guilty of violating the Code of Conduct for the Bar Councils elections framed under section 55(a) of this Act."

4. **Amendment of Schedule, Act XXXV of 1973,-** In the said Act, in the Schedule, for entries related to Khyber Pakhtunkhwa, Bar Council, the following shall be substituted, namely: -

"Khyber Pakhtunkhwa Bar Council"

Group of Districts-I

Name of District Seats

- | | |
|------------------------|----------|
| (1) Peshawar + Khyber | 07 |
| (2) Charsada + Mohmand | 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 + Orakzai+ Kurram | 01 |
| (2) Karak | 01 |

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

- | | |
|---|---------|
| (1) D.I. Khan + Tank + South Waziristan | 02 |
| (2) Bannu + North Waziristan | 01 |
| (3) Lakki Marwat | 01 |

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

- | | |
|---|---------|
| (1) Haripur | 01 |
| (2) Abbottabad | 02 |
| (3) Mansehra + Batagram+ Toorghar+ Kohistan | 02 |

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

- | | |
|---|----------|
| (1) Mingora (Swat) |01 |
| (2) Shangla (Alipuri) | 01 |
| (3) Daggar (Buner) + Malakand at Batkhela | 01 |
| (4) Timargara (Dir)+ Dir Bala+ Bajour | 01 |
| (5) Chitral Upper+ Chitral Lower | 01" |

STATEMENT OF OBJECTS AND REASONS

The Bar Councils play a pivotal role in upholding constitutional supremacy, the rule of law, and the independence of the judiciary. Therefore, it would be judicious to introduce a robust mechanism and transparent requirements for becoming office holders of Bar Councils. These amendments would ensure that candidates possess the requisite expertise and experience to fulfill these critical responsibilities effectively. In addition, this amendment provides the share of seats for newly-merged districts into the Province of Khyber Pakhtunkhwa as prescribed in the group of Districts given in the Schedule made under Sub-Section (2)(b) of Section 5 of the Act.

SENATOR KHALIL TAHIR
MEMBER-IN-CHARGE