

[AS PASSED BY THE SENATE] -

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 may be called the Legal Practitioners and Bar Councils (Amendment) Act, 2014.

(2) It shall come into force at once and except clause (a) of section 31 which shall come into force on such date as the Federal Government may, by notification in the official Gazette, specify.

2. General amendment, Act XXXV of 1973.- In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said act, except clause (h) of section 2, sub-section (2) of section 6, proviso to section 7, section 14, sub-section (2) of section 17, section 33, sub-section (5) of section 62 and section 67, after the expression "Provincial Bar Council", wherever occurring, the expression "and Islamabad Bar Council" shall be inserted.

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

(a) In clause (d), for the words "or Provinces", the words "or Islamabad Capital Territory" shall be substituted;

(b) after clause (d) amended as aforesaid, the following new clause shall be inserted, namely:-

"(da) "Islamabad Bar Council" means Islamabad Bar Council for Islamabad Capital Territory constituted under this Act;"

(c) in clause (i), after the word "roll" occurring for the first time, the words "and Islamabad Bar Council roll" shall be inserted.

4. Amendment of section 3, Act XXXV of 1973.- In the said Act, in section 3, in sub-section (1),-

(a) in clause (i), the word "and" shall be omitted; and

(b) in clause (ii), for the full stop at the end a semicolon and the word

“;and” shall be substituted and thereafter the following new clause shall be added, namely:-

“(iii) Islamabad Bar Council for Islamabad Capital Territory.”.

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

(a) in sub-section (1),-

(i) in clause (a), after the words “Province”, the words and commas “or Islamabad Capital Territory, as the case may be,” shall be inserted; and

(ii) in clause (b) after the word “roll”, the words and commas “or Islamabad Bar Council roll, as the case may be,” shall be inserted;

(b) in sub-section (2), in clause (a), the semicolon and the word “and” shall be omitted and after the expression “Balochistan Bar Council” and the entry relating thereto, the following new expression and the entry relating thereto shall be inserted, namely:-

“Islamabad Bar Council 05 ; and”;

(c) in sub-section (2A), before the word “group” the words “district or” shall be inserted; and

(d) in sub-section (5), in the Explanation, after the word “concerned” the words “or Islamabad Capital Territory” shall be inserted.

6. Amendment of section 5A, Act XXXV of 1973.- In the said Act, in section 5A, in clause (c), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that for the first election of Islamabad Bar Council, the qualification required for a candidate for Punjab Bar Council shall apply to the candidate to be elected for Islamabad Bar Council.”.

7. Amendment of section 6, Act XXXV of 1973.- In the said Act, in section 6,-

(a) in sub-section (2),-

(i) after the word “Province” occurring for the first time, the words “or Islamabad Capital Territory” shall be inserted; and

(ii) after the word "Province" occurring for the second time, the words and commas "or Islamabad Capital Territory, as the case may be," shall be added; and

(b) in sub-section (2A), after the word "Province" the words "or Islamabad Capital Territory" shall be inserted.

8. Amendment of section 7, Act XXXV of 1973.- In the said Act, in the proviso, in clause (b), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided further that-

(a) elections to the first Islamabad Bar Council to be constituted under this Act shall be held so as to conclude; and

(b) the first Islamabad Bar Council to be constituted under this Act shall be constituted, on such day as the Federal Government may, by notification in the official Gazette, specify."

9. Amendment of section 9, Act XXXV of 1973.- In the said Act, in section 9, in sub-section (1), in clause (a), after the words "Province" the words "or Islamabad Capital Territory" and after the words "district" the words and to remove advocates from such roll" shall be inserted.

10. Amendment of section 10, Act XXXV of 1973.- In the said Act, in section 10, in sub-section (1),-

(a) after clause (a), the following new clause shall be inserted, namely:-

"(aa) a disciplinary committee consisting of not more than five members to be elected by the Council from amongst its members; and"; and

(b) in clause (b), after the word "Province" the words and commas "or Islamabad Capital Territory, as the case may be," shall be inserted.

11. Amendment of section 11, Act XXXV of 1973.- In the said Act, in section 11,-

(a) in sub-section (1),-

(i) for the word "twenty", the word "twenty-three" shall be substituted; and

(ii) after the word "Sindh" and the entry relating thereto, the following words and entry relating thereto shall be added, namely;-

"Islamabad Capital Territory 01": and

(b) in sub-section (1A), after the word "Province", the words "and Islamabad Capital territory" shall be inserted.

- 12. Amendment of section 12, Act XXXV of 1973.**- In the said Act, in section 12, in sub-section (1A), after the word "Province", the words "or Islamabad Capital Territory" shall be inserted.
- 13. Amendment of section 13, Act XXXV of 1973.**- In the said Act, in section 13, in sub-section (2), after the word "Council" the words "Islamabad Bar Council" shall be inserted.
- 14. Amendment of section 16, Act XXXV of 1973.**- In the said Act, in section 16, in clause (b), after the word "Council", twice occurring the words and commas "or Islamabad Capital Territory, as the case may be," shall be inserted.
- 15. Amendment of section 17, Act XXXV of 1973.**- In the said Act, in section 17, in sub-section (2), after the word "concerned", the words and commas "or Islamabad Bar Council, as the case may be," shall be inserted.
- 16. Amendment of section 22, Act XXXV of 1973.**- In the said Act, in section 22, in sub-section (2), in clause (c), after the word "Province" occurring twice, the words "and Islamabad Capital Territory" shall be inserted.
- 17. Amendment of section 24, Act XXXV of 1973.**- In the said Act, in section 24, in sub-section (1), after the word "Province" occurring twice, the words "and Islamabad Capital Territory" shall be inserted.
- 18. Amendment of section 25, Act XXXV of 1973.**- In said Act, in section 25, in sub-section (1),-
- (a) after the word "Province" occurring for the first time, the words "and Islamabad Capital Territory" shall be inserted; and
 - (b) for the words "Divisions in the Province", the words "district in the Province and Islamabad Capital Territory" shall be substituted.
- 19. Amendment of section 33, Act XXXV of 1973.**- In the said Act, in section 33, after the expressions "Provincial Bar Council" and "Provincial Bar Councils" wherever occurring, the words and commas "or Islamabad Bar Council, as the case may be," shall be inserted.
- 20. Amendment of section 39, Act XXXV of 1973.**- In the said Act, in section 39, in sub-section (1), after the word "rolls", the words "and Islamabad Bar Council roll" shall be inserted.

- 21. Amendment of section 40, Act XXXV of 1973.-** In the said Act, in section 40, in sub-section (2), after the word "Province", the words "or Islamabad Capital Territory" shall be inserted.
- 22. Amendment of section 41, Act XXXV of 1973.-** In the said Act, in section 41, in sub-section (2), in clause (b), after the word "Council", the words "Islamabad Bar Council as the case may be" shall be inserted.
- 23. Amendment of section 42, Act XXXV of 1973.-** In the said Act, for section 42, in sub-section (2), after the word "Council", the words "and Islamabad Bar Council as the case may be" shall be inserted.
- 24. Amendment of section 43, Act XXXV of 1973.-** In the said Act, in section 43, in sub-section (2), after the word "Province", the words "or Islamabad Capital Territory, as the case may be" shall be inserted.
- 25. Amendment of section 44, Act XXXV of 1973.-** In the said Act, in section 44, in sub-section (3), in clause (b), after the word "Council", the words "or Islamabad Bar Council", shall be inserted.
- 26. Amendment of section 46, Act XXXV of 1973.-** In the said Act, in section 46, in sub-section (1), after the word "Council", occurring for the second time, the words "or Islamabad Bar Council", shall be inserted.
- 27. Insertion of new section, Act XXXV of 1973.-** In the said Act, after section 46, the following new section shall be inserted, namely:-
- "46A. 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 as order of a Civil Court."**
- 28. Omission of Section 52, Act XXXV of 1973.-** In the said Act, section 52 shall be omitted.
- 29. Amendment of section 54, Act XXXV of 1973.-** In the said Act, in section 54, in sub-section (2), in clause (a), after the word "Council", occurring for the second time, the words "or Islamabad Bar Council", shall be inserted.
- 30. Amendment of section 56, Act XXXV of 1973.-** In the said Act, in section 56,-
(b) after clause (m), the following new clause shall be inserted, namely:-

"(ma) the forming and regulation of firms of lawyers in Islamabad Capital Territory;"

31. Amendment of section 62, Act XXXV of 1973.- In the said Act, in section 62, in sub-section (2), in clause (a), after the word "Council", occurring for the second time, the words and commas "or Islamabad Bar Council", as the case may be," shall be inserted.

32. Amendment of Schedule, Act XXXV of 1973.- In the said Act, In the Schedule,-

- (a) in the heading "Punjab Bar Council", in the sub-heading "Group of District-V", item (3) and the entry relating thereto shall be omitted ; and
- (b) after the heading "Balochistan Bar Council" and the entries relating thereto, the following new heading and entries relating thereto shall be added, namely:-

"Islamabad Bar Council

Name of the District	Seats
Islamabad	05".

STATEMENT OF OBJECTS AND REASONS

The Islamabad High Court has been established by an Act of Parliament titled the Islamabad High Court Act, 2010 (XVII of 2010) which has been enacted in pursuance of Article 175 of the Constitution of Islamic Republic of Pakistan. Earlier the Islamabad Capital Territory was given representation in Punjab Bar Council and since there is an independent High Court for the Islamabad Capital Territory the establishment of Islamabad Bar Council is a statutory requirement under the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973).

2. The Bill seeks to achieve the aforesaid object.

MR. PERVAIZ RASHID,
Minister for Law, Justice and Human Rights
Member-in-Charge